TOWNSHIP OF UPPER DEERFIELD

ORDINANCE 893

AN ORDINANCE ADDING SECTION 405-113.1 EXTENSION REQUEST REQUIREMENTS TO, AND AMENDING SECTION 405-100A DEVELOPMENT AND APPLICATION FEES, OF THE CODE OF THE TOWNSHIP OF UPPER DEERFIELD

BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland and the State of New Jersey as follows.

SECTION 1. A new Section 405-113.1 Extension Request Requirements is added as follows.

Section 405-113.1. Extension Request Requirements

A. Purpose. The purpose of this section is to establish uniform procedures and submission requirements for applicants seeking extensions of time for subdivision, site plan, conditional use, or variance approvals pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-49, 40:55D-52, 40:55D-67, and 40:55D-70.1. This section ensures that extension requests are evaluated consistently, transparently, and in a manner that protects the public interest.

B. Applicability.

This section applies to any applicant seeking an extension of:

- Preliminary subdivision approval
- Preliminary site plan approval
- Final subdivision approval
- Final site plan approval
- Conditional use approval
- Variance protection periods under N.J.S.A. 40:55D-70.1

C. Filing Requirements.

An applicant requesting an extension shall submit the following materials no fewer than 20 days prior to the meeting at which the request will be heard:

1. **Completed Application Form**. Describing the specific extension(s) being requested under the New Jersey Municipal Land Use Law, and block/lot information.
2. **Extension Request Letter.** A written request stating the approval for which an extension is sought, the statutory basis, detailing the reason for the delay, the length of extension requested, and the expiration date of the current approval.

3. **Affidavit of Ownership:** Proof of ownership or written authorization from the property owner if you are acting as the applicant.
4. **Original Resolution**: A copy of the memorialized Resolution of Approval.
5. **Statement of Good Cause.** A narrative explaining the reasons for the delay, including but not limited to:
    a) Pending outside agency approvals
    b) Financing or construction delays
    c) Market or economic conditions
    d) Project phasing requirements
    e) Litigation or appeals
6. **Status Report.** A summary of all actions taken since the original approval, including compliance with conditions, progress toward outside approvals, and any changes to the project.
7. **Certification of No Substantial Change.** A statement confirming that:
    a) No material changes have occurred in zoning, the Master Plan, or site conditions that would render the approval inconsistent with current regulations; or
    b) Identifying any such changes and explaining why the extension remains appropriate.
8. **Plans and Documents.**
    a) **Approved Site Plan / Subdivision Plat:** Copies of the originally approved plans sealed sets by a licensed professional.
    b) **Updated Survey:** A current boundary and topographic survey.
    c) **Conformance/Compliance Plans:** Revised plans demonstrating that the development remains in compliance with any updated local zoning ordinances or state regulations.
9. **Compliance and Outside Agency Proofs**
    a) **Proof of Satisfied Conditions:** Documentation showing that prior conditions of the initial approval (such as environmental compliance or utility bonds) have been met.
    b) **Outside Agency Approvals:** If the project requires permits from the Cumberland County Department Cumberland County Department of Planning, Tourism, & Community Affairs, NJDEP, NJDOT, or the Cumberland-Salem Conservation District, copies of current or extended permits from these agencies.

10. **Tax Certification**: A certificate from the Tax Collector verifying that all property taxes and assessments are paid to date.

11. **Fee Payment.** Payment of any application or escrow fees established by §405-100A of the Township Code.

12. **Proof of Notice**: If the extension requires a public hearing, a certified list of property owners within 200 feet and proof of public notice.

D. Review Procedure.

1. **Administrative Completeness Review.** The administrative officer shall determine whether the submission is complete. Incomplete applications shall not be scheduled for a hearing.

2. **Board Hearing.** The Board shall hear the request from the applicant or his legal representative at a public meeting and may take testimony from the applicant, professionals, and the public.

3. **Findings Required.** In granting an extension, the Board shall find that:

    a) The applicant has demonstrated good cause;

    b) The approval remains substantially consistent with the zoning ordinance and Master Plan;

    c) No material changes in circumstances warrant denial; and

    d) The extension will not result in substantial detriment to the public good.

4. **Length of Extension.** Extensions shall be granted in accordance with the time periods permitted by the MLUL.

E. Conditions of Approval.

The Board may impose reasonable conditions on the granting of an extension, including but not limited to:

1) Updated compliance with outside agency permits

2) Submission of revised plans

3) Escrow replenishment

4) Timeframes for completing outstanding conditions

F. Effect of Extension.

Upon approval, the applicant shall retain all rights vested under the original approval for the duration of the extended period, consistent with the MLUL.

<u>SECTION 2.</u> Section 405-100A Development Application Fee Schedule is amended as follows.

Development Application Fee Schedule

Type of Application	Application Fee	Escrow Fee
Extension of approval	$150	$1,250

The remainder of the Development Application Fee Schedule is unchanged**.**

BE IT FURTHER ORDAINED by the Township Committee of the Township of Upper Deerfield that in all other respects the provisions of Chapter 405 of the Code of the Township of Upper Deerfield shall remain as heretofore and unaltered by the provisions hereof.

BE IT FURTHER ORDAINED by the Township Committee of the Township of Upper Deerfield that all ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED by the Township Committee of the Township of Upper Deerfield that if any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

This Ordinance shall take effect in the time and manner prescribed by law.

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James Crilley, Chairman

Adopted: October 1, 2026

Attested:

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Roy J. Spoltore, Township Clerk

First Reading: September 3, 2026
Publication: September 4, 2026
Publication of Final Adoption: October 7, 2026