



WELCOME TO TOMS RIVER

A permitting process packet to help you get your business up-and-running.

A resource developed by the Greater Toms River Chamber of Commerce,
2023, through a partnership with the Township of Toms River

**I'M OPENING MY
BUSINESS IN
TOMS RIVER...**

**WHAT SHOULD I
DO FIRST?**

GREAT QUESTION!

Your first order of business is to
visit the Township of Toms River

Zoning Department:

33 Washington Street

Toms River, New Jersey 08753

(732) 341-1000 x8449

Monday-Friday 8:30 a.m to 4:30 p.m.

This is your opportunity to ask (the
right) questions - more on this later in
this resource guide - and to receive
the necessary forms.



WHAT FORMS DO I NEED?

ZONING PERMIT APPLICATION

[Click here to access
the document.](#)



STATEMENT OF OPERATIONS

[Click here to access
the document.](#)

When you return these two documents, it is critical that you include a detailed proposed floor plan, a copy of the site plan marked to show the location of your (the tenant's) space, and the appropriate fee(s).

Once you do so, barring a need to receive Planning Board approval (more to come on this), your permit should be ready within 10 business days' time.



WHAT QUESTIONS SHOULD I ASK?

"Can I open an office here?" isn't a good question.

Using the site's lot and block numbers, you should ask:

- If the proposed location has Site Plan Approval?
- If the proposed location has any conditions imposed on the location by the Zoning/Planning Board?
- If the use permitted at the site?
- And then some...

Lots of FAQs and info to follow. Stay with us!



Why was my permit not approved?

Your permit may have been declined because you did not provide enough information. Look at the comments and address each. If you do not understand the comment, ask to speak to a Zoning Officer or send an email and request that a Zoning Officer contact you. Provide the block and lot of the subject property.

Another reason you may have been declined is if the site does not have an approved site plan or what you are proposing has not been previously approved.

A third reason you may have been declined is if the use is not permitted in the zone.

HINT

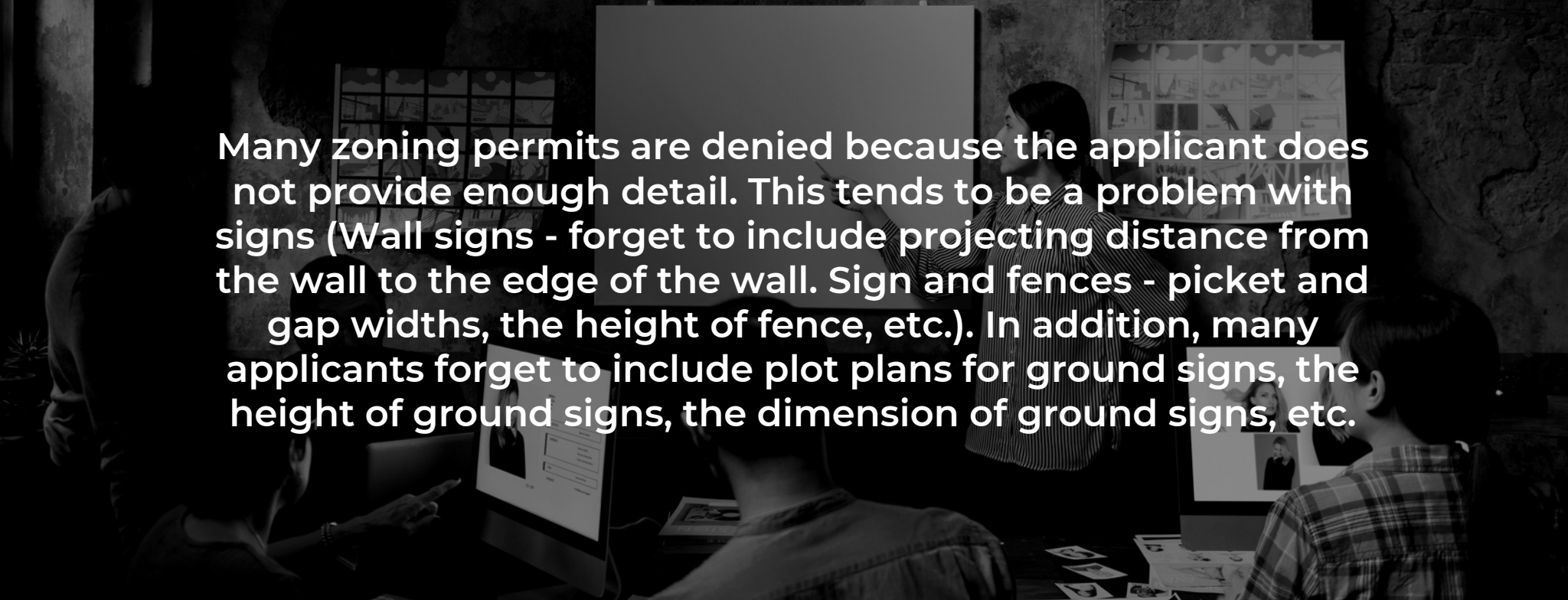
The comments will tell you the the reason your permit was not approved, and if you need Board approval.

If you have a question, email zoning@tomsrivertownship.com - it is monitored by the key personnel in the department, which means the right eyes will see your message.

The phone number + extension provided on page 2 are handled by the Zoning Secretary. Public, in-person questions take priority over phone calls.

Depending on the question left on the voicemail, the Zoning Secretary or one of the zoning officials will return the call.

In short, email, or in-person inquiries, are preferred.



Many zoning permits are denied because the applicant does not provide enough detail. This tends to be a problem with signs (Wall signs - forget to include projecting distance from the wall to the edge of the wall. Sign and fences - picket and gap widths, the height of fence, etc.). In addition, many applicants forget to include plot plans for ground signs, the height of ground signs, the dimension of ground signs, etc.

If you receive a denial, this does not automatically mean your use, sign, etc. is not permitted. It usually means that you have not provided enough information to make a determination if your application is complying with the Township ordinance and, therefore, had to deny your application.

Look closely at the comments that have been provided and make sure you resubmit documentation that addresses the comments. If you do not understand the comments, contact the zoning office and request to speak with a zoning official or send an email requesting that a zoning official contact you.

Please include your block and lot and address in the email language so your file can be retrieved and provided to a zoning official.

AFTER THE ZONING PERMIT, IT'S TIME FOR THE CONSTRUCTION PERMIT.

WHO?

New tenants in a commercial property will typically require a construction permit. Exception: A new tenant proposing an identical use where no work is being performed and no new equipment is being installed, will not require a construction permit.

WHAT?

Plans for tenant work and/or change of use must be prepared by a licensed design professional. Two sets of signed/sealed drawings showing all details are required as part of the construction permit process.

WHEN?

Plan review takes up to 20 business days. After plan review, you will pay appropriate fees and schedule inspections.

HOW?

Construction Permit forms may be obtained at the Building Department or here.



If the use is not permitted in the desired location, ask a follow-up question:

What sections of the town is the use permitted?

The zoning official will let you know which land use zone(s) your use is permitted and where those zones are located. The zoning official may also inform you that you have the option of requesting a use variance from the zoning board of adjustment.

If your goal is to open quickly, the zoning board of adjustment should be avoided and a new location in a land use zone that permits the use should be researched.

You can search the zoning designation online at:

<https://www.tomsrivertownship.com/501/GIS-Graphic-Information-System>

Sometimes the zoning official will tell you your use is permitted but you require planning board approval. Why would they do that? Keep reading.

Why would a zoning official tell me my application has to go to the planning board when the use is permitted?

A zoning official will send you to the planning board when a site does not have a site plan (vacant site with a proposed new business, a residential house being converted to a business, etc.) or the approved site plan will be required to be modified to accommodate your use (proposing an addition to the building, increasing the size of the parking lot, adding outdoor storage areas, moving the parking lot, removing landscaping, lights, etc.).

The planning board only reviewed applications for sites that have permitted uses or are intended to be used by permitted uses. All businesses require site plan approval. If you require planning board approval, please ask to speak to the planning board secretary. The planning board secretary can explain the process, fees, and timing. Businesses that are not established as sole proprietors must be represented by an attorney in front of the planning board.

The Bottom Line

If you want to expedite your business opening, select a site where:

- the building and site improvements (parking) are suitable for your need
- have an approved site plan and are located in a land use zone that permits your business use and other associated uses (ex: outdoor storage, vehicle storage, vehicle display, etc.)

WHAT'S NEXT?

AFTER FINAL INSPECTIONS

When you pass all your final inspections you will then apply for a CO.

TELL ME MORE ABOUT THE CO

The CO process takes up to 10 business days.

WHAT ABOUT SIGNAGE?

This is a topic for another day, but take note that sign regulations vary depending on the location of your site - specifically the Village Office, Village Business, and Village Seaport Zones of Downtown Toms River.



IS MY USE PERMITTED?

Explain to the zoning official what your use entails (medical office, light industrial, restaurant, (liquor or non-liquor) retail store, outdoor storage, etc.) The more description, the better. Ask the zoning officer if your use can be permitted with a simple zoning permit or if it requires planning board or zoning board approval.

Example: I want to open up a landscaping business in town and I will need to store equipment, trucks, and landscaping materials such as peat moss, soil, rocks, etc. outside. I am looking at Block 99 Lot 3 with address 123 Future Street.

TO TAKE IT ONE STEP FURTHER...

IS THE USE ALLOWED IN THE LAND USE ZONE?

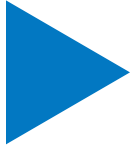
- Does the site have an approved site plan and are there any limitations (conditions placed on it by either the planning or zoning boards)?
- Does the site plan allow me to store outdoor materials and store vehicles overnight
- How many parking spaces are approved for this site and is it enough for my proposed use?
- How can I get a copy of the site plan?

In short - the more details the better.



DO I NEED A TAX ID NUMBER TO FILE FOR A PERMIT?

No.



WHO'S APPROVAL DO I NEED {FIRST} TO START A BUSINESS IN TR?

The zoning department.



WHAT IS A CCO?

Some businesses will require a CCO due to state licensing requirements, such as hair/nail salons. A Continued Certificate of Occupancy requires a construction permit. A floor plan sketch and description of operations will be required. A CCO is only an option when no work is being performed.



DO I NEED A CERTIFICATE OF OCCUPANCY (CO)?

Yes, a certificate of some type is issued with all completed construction permits.



PLANNING BOARD

Certain requests are considered exempt - the rest are deemed “minor” or “major” and must be brought to the planning board.

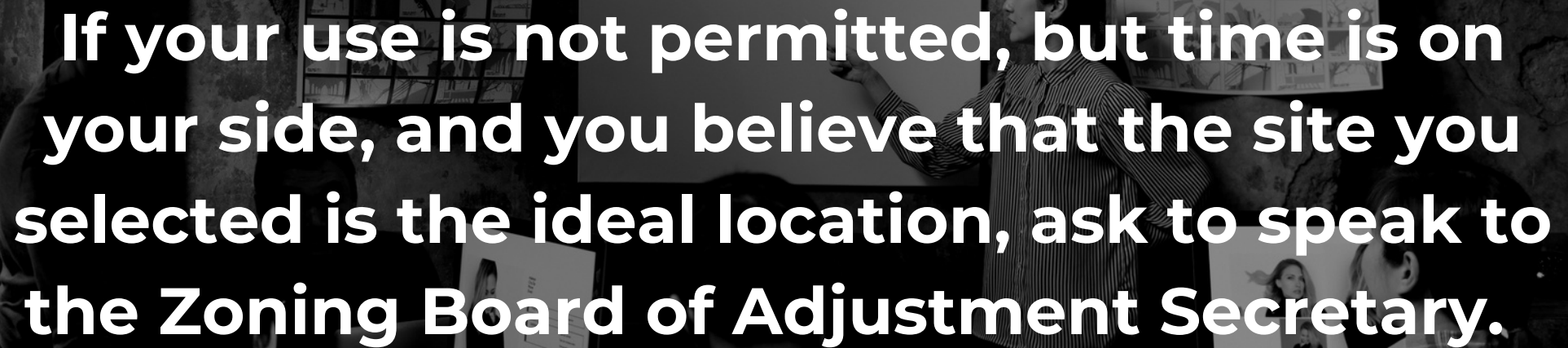
This will take time - please plan accordingly.

An example of something that must go in front of the board is a request to expand a building by 1000 sq. ft. or more or expand two parking spaces.

If you receive a denial, this does not automatically mean your use, sign, etc. is not permitted. It usually means that you have not provided enough information to make a determination if your application is complying with the Township ordinance and, therefore, had to deny your application.

Look closely at the comments that have been provided and make sure you resubmit documentation that addresses the comments. If you do not understand the comments, contact the zoning office and request to speak with a zoning official or send an email requesting that a zoning official contact you.

Please include your block and lot and address in the email language so your file can be retrieved and provided to a zoning official.

A woman in a striped shirt stands at the front of a meeting room, pointing at a whiteboard. Several people are seated at tables in front of her, looking at the whiteboard or at laptops. The room has a rustic feel with stone walls and large windows. The text is overlaid in white on the top half of the image.

If your use is not permitted, but time is on your side, and you believe that the site you selected is the ideal location, ask to speak to the Zoning Board of Adjustment Secretary.

The Zoning Board of Adjustment Secretary will inform you of the procedures and fees to submit an application to the Zoning Board of Adjustment for a use variance. Submitting an application to the Zoning Board of Adjustment is no guarantee that a use variance will be granted and it can be a costly process. It is advised that you hire a land use attorney, professional land use planner and other experts to help you through the process. Your experts will have to testify to the hardship or site suitability, benefits to the community, and address any negative impacts to the community.

Ultimately your professionals will have to make a case as to why your use should be permitted. Their arguments will have to be in compliance with the Municipal Land Use Laws (MLUL), intentions and purpose of the Township Master Plan, and Land Use Ordinance.

Businesses that are not established as a sole proprietor must be represented by an attorney.



DO I NEED TO GET A MERCANTILE LICENSE?

No. Toms River does not have this type of license - instead, you will need to secure a CO or CCO

WHAT IS MEANT BY "CHANGE OF USE"?

A change of use is considered an occupancy by a new tenant classified differently than the previous occupant. A change of use always requires a construction permit and a CCO inspection. If you are unsure if your proposed business requires a change of use permit, please consult a design professional or contact the building department.

WHAT ABOUT THE FIRE BUREAU?

Please visit the UCC page for details - some businesses need a visit, and some do not.



**WHAT DO YOU NEED TO
START A BUSINESS? THREE
SIMPLE THINGS: KNOW
YOUR PRODUCT BETTER
THAN ANYONE, KNOW YOUR
CUSTOMER, AND HAVE A
BURNING DESIRE TO
SUCCEED.**

DAVE THOMAS, FOUNDER, WENDY'S



WHY WOULD I HAVE TO GO TO THE ZONING BOARD IF A USE VARIANCE HAS ALREADY BEEN GRANTED AND THE SITE HAS AN APPROVED SITE PLAN?

You would have to go to the Zoning Board if:

you are modifying the site plan in anyway (increasing the building, increasing/decreasing parking spaces, etc.),

OR

you are adding another use that is not approved or intensifying the existing approved use (ex. You have a restaurant with no liquor and are now going to add a bar and will be serving liquor).

Once an application has been approved by the Zoning Board of Adjustment, it typically stays with the Zoning Board of Adjustment.



A ZONING OFFICIAL IS ALWAYS AVAILABLE

Zoning officials have rotating, assigned public hours so that the whole day is covered.

Public members (that's you!) may stop by at any time during the day and meet with a zoning official.

No appointment needed, first come first served policy.

HINT

An example of something that must go in front of the Board is for a Use Variance is a request to put a commercial entity in a residential zone.

Keep in mind that you may require other permits from outside agencies such as MVC, Ocean County Department of Health, etc.

Do your due diligence to ensure you cover all your bases.

Do you know about OPRA - the OPEN PUBLIC RECORDS ACT?

The public can get a copy of the prior approved site plan and copy of the approved resolution by submitting an OPRA request through the clerk's office.

The site plan will show all approved parking, building footprint, landscape, and other site conditions approved by the board.

The resolution states what was approved by the board, variances, design waivers granted (if applicable), and any conditions that the board may have required when they approved the site plan.

The public can also request old building documents through the OPRA request.



Resources



[zoning permit application](#)

download here



[statement of operations](#)

download here

WISHING YOU MUCH SUCCESS.

CONNECTING OUR COMMUNITY.