

Borough of Somerville

Department of Community Development

APPLICATION PROCESS FOR LAND USE APPLICATIONS BEFORE THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

This is intended to be a guide to assist you and is subject to change depending upon the circumstances.

All actions pertaining to land use applications are mandated by N.J.S. 40:55D, also called the Municipal Land Use Law (MLUL).

- All applications must be made upon the forms supplied by the Board available during business hours in the Community Development Office located in Borough Hall. All application submissions must be accompanied by a check for the fees and a check for the escrow.
- A checklist is supplied with all applications which specifically outlines what must accompany your application. In the packet is a request form for a list of property owners within 200 feet, you should file that form and the \$10 fee with the clerk's office since you will need that list later.
- Once an application is received a completeness review meeting will be scheduled. You are encouraged to attend but it is not a requirement. These meetings are generally scheduled on Wednesdays and are in the Mayor's Office. During this meeting your application will be deemed administratively complete or incomplete. The MLUL affords a municipality 45 days to deem an application complete or incomplete. If your application is deemed incomplete a handwritten deficiency notice will be generated which will tell you specifically what is missing. You then have the opportunity to revise and resubmit. Once your application is resubmitted another completeness review will be scheduled. If your application is deemed complete it will be placed on the next available board agenda for a hearing.
- Once you receive a confirmation of the date that your application will be heard it is your responsibility to notify all property owners on the list of property owners within 200 feet of your property by certified mail at least ten days prior to the date of the hearing but not including the hearing date. In the alternative you can give notice by personal service. Personal service must be hand delivered to the property owner, not a tenant. The property owner must be given a copy and you should request that they sign and date a copy for you to keep.
- Notice must also be published in the Courier News. The legal department should be contacted well in advance of your hearing to be certain they can accommodate you. The notice in the newspaper must appear at least ten days prior to the date of the hearing but not including the hearing date.
- At least 3 days prior to the hearing you are responsible to provide to the Board Secretary the completed Affidavit of Service, a copy of the notice used to serve the property owners, a copy of the list of property owners within 200 feet, the original, not copies, of the certified mail receipts stamped by the USPS, and the affidavit of publication from the newspaper. If you decided to provide personal service the copies with original signatures must be submitted instead of the receipts from the USPS.

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- Notice must be served at least 10 days prior to the hearing date; however additional time can be given. If you provide additional notice you are encouraged (if you are not represented by an attorney) to provide the Affidavit of Service to the board secretary at least 15 days prior to the hearing. This will allow enough time for the notice to be reviewed and verified that everyone entitled to notice was noticed properly. This additional time still allows for corrections if a problem is noticed. This is not mandatory but is offered as a service to assist you; however you are still ultimately responsible for meeting all notice requirements.

It is your responsibility to make certain your escrow account is sufficient prior to appearing before the board.

Assuming everything was done properly your application will remain of the Board's agenda and will be heard.

THE HEARING PROCESS

The hearing process is a public meeting where you will be asked to present your case. Any photographs or exhibits that you present to the board will be marked as evidence and retained by the board. You will not get them back, so make copies. If your exhibit is large please make smaller copies to be distributed to the board members, its professionals and staff. The board members will have a copy of your proposal and the professionals' reports at the time of the meeting. It is your responsibility to provide the necessary proofs to convince the board that your application should be approved. After you have provided all the testimony you feel necessary to present your case the board members may have questions. In addition since this is a public hearing your testimony may also be questioned by members of the public. Towards the end of the meeting a public comment session will be opened, at that time any comments for or against the application will be heard from the public.

If you are before the Zoning Board of Adjustment seeking "D" Variance relief it is required that you obtain at least 5 affirmative board member votes your relief request to be granted. "C" Variance relief requires a majority vote of the board members present to be granted. If you are seeking a D(1) Use Variance, D(2) Expansion of a Non Conforming Use, or a D(3) a Conditional Use relief you will be required to have a licensed professional NJ planner provide testimony.

If your application is approved, the action by way of a resolution will typically be memorialized at the next meeting. Once the resolution is memorialized you can then proceed with permitting. However if your application was approved with conditions, those conditions must be satisfied prior to applying for permits. You will be responsible to meet any and all conditions of the approval. You will also be responsible for filing a copy of the resolution with your permit application to demonstrate zoning approval.

This is intended to be a guide to assist you and is subject to change depending upon the circumstances.

If you have any questions please contact the Board Secretary, Toni Wortman at (908) 725-2300 extension 1964 or by e-mail at twortman@somervillenj.org.

BOROUGH OF SOMERVILLE

DEVELOPMENT APPLICATION AND APPEAL FORM

Instructions to applicants: All applicants are required to complete Parts I, II, III and IV. The various attachments must be completed if they apply to your application. If any parts of the form do not apply to your application, please state “not applicable”, “none”, etc. If you have any questions, please contact the Board Secretary.

PART I. APPLICATION AND OWNER INFORMATION

A. Applicant Name _____ Phone Number _____

B. Applicant Address _____

C. Applicant Telephone No. _____

Applicant's Email _____

D. Applicant's Attorney Name _____ [] Not Applicable

E. Applicant's Attorney Address _____

F. Attorney Telephone No. _____

Attorney's E-mail _____

G. Property Owner's Name _____

H. Property Owner's Address _____

I. Applicant's interest in land, if not the owner (e.g., contractor purchaser, owner's agent)

_____ [] Not Applicable

J. Applicant's ownership. If the applicant is a corporation or partnership applying for permission to subdivide a parcel of land into six (6) or more lots, or applying for a variance to construct a multiple dwelling of twenty-five (25) or family units or for approval of a site to be used for commercial purposes, a list of the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class must be identified in accordance with §102-66.

[] Not applicable

PART II. PROPERTY INFORMATION

A. Address of Subject Property _____

B. Tax Map Block Number(s) _____ Lot Numbers(s) _____

C. Zone District(s) _____

D. Does the owner or applicant now own or have any interest in any other property that adjoins the premises which are the subject of this application?

(Check one) Yes ☐ No ☐

If yes, describe the adjacent property by reference to the current tax map. _____

E. Are there any deed restrictions, protective covenants, easements, etc. affecting the subject property?

(Check one) Yes ☐ No ☐

If yes, attach a description on a separate sheet.

F. Has there been a previous application or appeal to the Board of Adjustment, Planning Board or Borough Council involving these premises?

(Check one) Yes ☐ No ☐

If yes, please attach a copy of the resolution(s).

G. Describe the existing use and improvements.

PART III. DEVELOPMENT INFORMATION

A. Proposed Use (check all that apply)

- ☐ Single Family Residence
☐ Other (provide an explanation, describing the nature of materials and/or services involved, the days and hours of operation, the number of operators and employees, etc.)
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B. Describe the proposed improvements, including buildings, paving, utilities, storm drainage, lighting, signs, landscaping, fencing, etc. and any alterations to existing improvements.

C. Required approvals from other governmental agencies other than Planning Board or Board of Adjustment (check all that apply).

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- ☐ Architectural Review Board (ARB)
☐ Health Dept
☐ Fire Official
☐ Construction Code Official
☐ Other

Local & County Agencies

- ☐ Somerset County Planning Board
☐ Bridgewater Township
☐ Hillsborough Township
☐ Raritan Borough
☐ Other

State and Federal Agencies (if approval is required, state nature of approval)

- ☐ N.J. Department of Environmental Protection
☐ N.J. Department of Transportation
☐ Somerset union Soil Conservation District
☐ Other

D. Persons and agencies for which notice of a public hearing is required (check all that apply)

- ☐ None. Application is exempt from hearing and notice (see §102-9 and 11)
☐ Property owners within 200 feet of subject property (see §102-12B (1))
☐ Adjacent municipality (see §102-12B (3))
☐ Regional Center municipality (see §102-12B (3))
☐ Somerset County Planning Board (see §102-12B (4))
☐ N.J. Commissioner of Transportation (see §102-12B (5))
☐ N.J. State Planning Commission (see §102-12B (6))
☐ Public Utility, cable television or local utility company (see §102-12B (7))

PART IV. SIGNATURES AND AUTHORIZATIONS

A. Certification by Applicant/Appellant.

The undersigned applicant does hereby certify that all the statements contained in this application are true to the best of my knowledge.

Applicant/Appellant
(Signature)

Date

Applicant/Appellant
(Printed or typed name)

B. Owner Consent. If the applicant is not the property owner, the following consent must be signed by the property owner.

I/We the undersigned hereby affirm that this application is being made with my/our consent and knowledge and that the information contained herein is true and correct to the best of my/our knowledge.

Owner
(Signature)

Date

Owner
(Printed or typed name)

C. Authorization of Agent. If the applicant is not the property owner, contract purchaser or other person having a proprietary interest in the subject property, the following authorization must be signed by the property owner.

I/We the undersigned, hereby affirm that the applicant named in Part I of this application form is authorized to act as my/our agent in this matter, and I/we agree to any and all terms and conditions that may be imposed on the subject property as a result of this application, to the maximum extent permitted by law.

Owner
(Signature)

Date

Owner
(Printed or typed name)

ATTACHMENT

PROPOSED VIOLATIONS OF THE LAND USE ORDINANCE (Chapter 102)

- A. The following violations of Chapter 102 are proposed by this application (reference the proposed violations by section and paragraph number in the ordinance):

Violations of design standards (§102-79 through §102-94)

Violations of zoning regulations (§102-98 through §102-121)

Violations of official map regulations (§102-124 through §102-125)

- B. On a separate sheet, indicate the reasons why you believe that the Board should grant relief of the above ordinance requirements, using the following criteria:

Permit for Area on Official Map (see §102-35E (1) and (3))

Permit for Lot not Abutting Street (see §102-36E (1) and (2))

“C” Variance (see §102-37F (1), (2) and (3))

“D” Variance (see §102-38F (1) (a), (b) and (c))

Exception from Design Standards – subdivisions and site plans only (see §102-63)

ATTACHMENT
REQUEST FOR WAIVER OF SUBMISSION REQUIREMENTS

- A. Submission requirements for which a waiver is requested (see checklists for various applications)

- B. Indicate the reasons why you believe that the above submission requirements are not relevant or necessary for the Board to take action on this application.

COMPLETENESS CHECKLISTS

§ 102-70. Conceptual Site Plans and Subdivisions.

Applications for informal review of conceptual site plans and/or subdivisions shall be required to submit a plan of the proposed development. The procedures for completeness review of formal applications shall not apply to such plan, except as provided below; however, the Board Secretary shall refer the plan to the appropriate persons and agencies, who shall provide suggestions as to any additional information that may be helpful to the Board in reviewing the plan. The applicant may choose to proceed without providing such additional information, or may provide some or all of the suggested information. Once the applicant has finalized his plan submittal, the application shall be scheduled for the Board's agenda; provided that any application for informal review shall provide the following prior to referral or review by the Board:

I NA W C

- ☐ ☐ ☐ ☐ A. Twelve (12) copies of the appropriate application form(s), completed and signed. If any item on the form is not applicable to the applicant, it shall be indicated on the application form(s) by the words "not applicable", "none" or other appropriate language.
- ☐ ☐ ☐ ☐ B. Twelve (12) copies of the concept plan.
- ☐ ☐ ☐ ☐ C. Written description of the application, including a description of the proposed use and improvements.
- ☐ ☐ ☐ ☐ D. Receipt indicating that applicable fees and initial escrow deposits are paid.
- ☐ ☐ ☐ ☐ E. Certificate from the Tax Collector indicating that all taxes and assessments for the subject property are paid up to and including the most recent collection period.
- ☐ ☐ ☐ ☐ F. Proof that notice of the application has been submitted to the Regional Center municipalities, when such notice is required by § 102-12B(3), the same as if the concept application were a formal application.

I = Incomplete

NA = Not Applicable

W = Waiver Request

C = Complete

ESCROW AGREEMENT

THIS AGREEMENT made this day of, , between hereinafter referred to as "Applicant", and the Planning or Zoning Board of the Borough of Somerville, hereinafter referred to as "Board", and the Borough Council of the Borough of Somerville, hereinafter referred to as "Borough ",

WHEREAS, the Applicant has filed an application for development under the Borough Zoning Ordinance ("Ordinance"); and

WHEREAS the Ordinance requires the Applicant to establish an escrow whereby work required to be performed by professionals employed by the Board will be paid 'or by the Applicant as required under the provisions of the ordinance cited above; and

WITNESSETH:

IT IS mutually agreed between the parties that:

Section 1: Purposes. The Board authorizes its professional staff, (generally Planner, Engineer and /or Attorney) to review, inspect, and study all plans, documents, statements, improvements, and provisions made by the Applicant in conforming to the requirements of the Ordinance cited and referred to above. Moreover, the Board directs that its Professional Staff, thru oral or written reports, detail its professional findings to the applicant, the Board and where necessary to the Administration

The Applicant agrees to pay all reasonable professional fees incurred by the Board for the performance of the duties outlined above.

Section 2. Escrow Established. Applicant, Board and Borough, in accordance with the provisions of this agreement, hereby agree to the creation of an escrow account to be established by the CFO of the Borough of Somerville, to be maintained in a banking institution or savings and loan association in this State insured by an agency of the federal government, or in any other fund or depository approved for such deposits by the State of New Jersey, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits.

Section 3. Escrow Funded. Applicant, along with the execution of this agreement and Land Use Application, shall remit the initial escrow deposit required by Section 102-23 of the Code, as may be amended, and shall replenish the escrow funds within 10 days of receipt of the request from the Borough, to be deposited as outlined in Section 2 above.

Section 4. Increase in Escrow Fund. If during the existence of this agreement the escrow funds held by the Township shall fall below, 25% of the original escrow, Applicant shall within fourteen (14) business days from the date of receipt of written notice by the Land Use Administrator to the Applicants point of contact, either by email or US Postal service, remit such additional funds with the Land Use Administrator to replenish the escrow to at least 50% of the original escrow. During this period the professional staff, at their option, may cease all review activities. The written notice sent by the Land Use Administrator setting forth the amount of the

deficit and the member or members of the professional staff to whom the additional sums are due. Unless otherwise shown, receipt shall be presumed to have occurred within three (3) business days after US Postal mailing or one (1) day for email. The Land Use Administrator shall submit all requests for additional funds to:

Applicant Name:

Applicant Address:

Applicant E-mail:

Applicant Phone:

Section 5. Billing All bills from professional staff shall be submitted in accordance with N.J.S.A.40:55D-53.2.

IN WITNESS WHEREOF the parties hereto have their hands and seal the date first written above

_____, Applicant

Sworn and subscribed to before me this day _____ of 20_____

Notary Public