

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.

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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.
