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.

- 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.

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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.)

_____

_____

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).

Borough of Somerville
[ ] 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 or 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 id 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 extend 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

§ 102-69. General Requirements.

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications shall be required to submit the following information and documents; provided, however, that conceptual plans and minor site plans which are submitted to only the Site Plan Waiver Committee or Architectural Review Board shall only be required to submit the information and documents set forth in § 102-70 and § 102-74, as applicable.

I NA W C

[ ] [ ] [ ] [ ] A. For purposes of completeness review only, three copies of the appropriate application form(s). Thereafter, if the application is determined to be complete, the applicant shall submit thirteen (13) additional copies, for a total of sixteen (16) copies, of the appropriate application form(s), completed and signed. If any item is not applicable to the application, it shall be indicated on the application form(s) by the words "not applicable", "none" or other appropriate language.

[ ] [ ] [ ] [ ] B. Written description of the application, including a description of the proposed use and improvements.

[ ] [ ] [ ] [ ] C. Statements as to any requirements from which a waiver or variance is sought, together with a statement of reasons why same should be granted.

[ ] [ ] [ ] [ ] 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. Certificate from both the Board of Adjustment and the Planning Board indicating the nature and date of prior actions, if any, by the respective Boards affecting the subject property, as disclosed by the available records of such Boards.

[ ] [ ] [ ] [ ] G. Affidavit of ownership. If applicant is not the owner, applicant's interest in land must be indicated; e.g., tenant, contract/purchaser, lien holder, etc., and permission of property owner to file the application must be submitted.

[ ] [ ] [ ] [ ] H. If applicant is a corporation or partnership applying to the Board or the Council 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 more 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 as required by § 102-66.

[ ] [ ] [ ] [ ] I. For purposes of completeness review only, three copies of the required development plan(s). Thereafter, if the application is determined to be complete, the applicant shall submit thirteen (13) additional copies, for a total of sixteen (16) copies, of any required development plan(s), signed and sealed by the professional who prepared the development plan(s). Any plan submitted as part of an application to a Borough agency shall be prepared by an individual pursuant to the regulations in N.J.A.C. 13:27, 13:40, and 13:41, as amended, provided that the owner of a single-family detached or two-

§ 102-69. General Requirements (continued).

family dwelling may sign the plans for an application if he has prepared them. All such plans shall contain the following information:

I	NA	W	C		
[ ]	[ ]	[ ]	[ ]	(1)	Title block containing the type of application, name and address of applicant and owner; name, address, signature, license number and seal of plan preparer; existing lot and block numbers; municipality and county, date prepared and date(s) of all plan amendments.
[ ]	[ ]	[ ]	[ ]	(2)	Signature block for signatures of Chairman and Secretary of the Board.
[ ]	[ ]	[ ]	[ ]	(3)	The name of all adjoining property owners as disclosed by current Borough tax records.
[ ]	[ ]	[ ]	[ ]	(4)	A key map showing the location of the tract to be considered in relation to the surrounding area within at least five hundred (500) feet of the subject property.
[ ]	[ ]	[ ]	[ ]	(5)	Scale of map, both written and graphic. The scale shall consist of no more than fifty (50) feet to the inch.
[ ]	[ ]	[ ]	[ ]	(6)	North arrow.
[ ]	[ ]	[ ]	[ ]	(7)	Zoning district in which parcel is located, and the zone district of adjacent property, with a table indicating tract area, lot area(s), lot width(s), all yard setbacks, building and impervious coverage, building height, floor area ratio, density and number of parking spaces, both as to required, existing and proposed, for the subject property. If the application involves a conditional use, compliance with the applicable conditional use standards shall be indicated on the plan.
[ ]	[ ]	[ ]	[ ]	(8)	Existing and proposed boundaries of the site(s) in question, with bearings and dimensions of same. The number of each existing tax lot in accordance with the tax map shall be shown.
[ ]	[ ]	[ ]	[ ]	(9)	Municipal boundary line(s), if any, crossing or adjacent to the subject property.
[ ]	[ ]	[ ]	[ ]	(10)	Location and width of existing easements or rights-of-way on or abutting the subject property, including but not limited to streets, utility and drainage easements, sight easements and access easements.
[ ]	[ ]	[ ]	[ ]	(11)	Location of existing and proposed buildings, with setbacks from property lines dimensioned on the plan.
[ ]	[ ]	[ ]	[ ]	(12)	Location of existing and proposed paved areas, including parking and loading areas, driveways, sidewalks, etc., showing the design of such areas.

I = Incomplete NA = Not Applicable W = Waiver Request C = Complete

§ 102-69. General Requirements (continued).

I NA W C

[ ] [ ] [ ] [ ] (13) Location of natural features, including woodlands, streams and other water bodies, wetlands, flood hazard areas and rock outcrops on the property, and also on adjacent properties if same may affect the proposed development.

[ ] [ ] [ ] [ ] (14) Location of any required dedication or reservation for streets or any area shown on the Official Map or Master Plan.

[ ] [ ] [ ] [ ] (15) Soil erosion and sedimentation control plan, if required pursuant to P.L. 1975, c. 251.

[ ] [ ] [ ] [ ] (16) Construction details and specifications sufficient to illustrate the nature of proposed site improvements, including but not limited to the following: paving, curbing, walls, fences, utility and storm drainage structures, soil erosion control structures, tree protection devices, light fixtures and standards, signs, planting and staking details, and barrier-free access design.

[ ] [ ] [ ] [ ] J. A statement of any and all approvals which are required from other governmental entities, as applicable, including but not limited to the following:

(1) For the Borough, the Health Department, Fire Subcode Official, Construction Code Official and Architectural Review Board.

(2) For Somerset County, the Somerset County Planning Board.

(3) For the State of New Jersey, the Department of Environmental Protection and the Department of Transportation.

(4) For the United States, the Soil Conservation Service.

[ ] [ ] [ ] [ ] K. For minor subdivisions, preliminary major site plans and preliminary major subdivisions, one of the following:

(1) A letter of interpretation from the N.J.D.E.P. indicating the absence of freshwater wetlands, or indicating the presence and verifying the boundaries of freshwater wetlands, and classifying same by resource value.

(2) A letter of exemption from the N.J.D.E.P. certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act, and regulations promulgated thereunder.

(3) A copy of any application made to the N.J.D.E.P. for any permit concerning a proposed regulated activity in or around freshwater wetlands.

§ 102-69. General Requirements (continued).

(4) Documentation demonstrating that no wetlands exist on the subject property, and demonstrating that no wetlands exist on adjacent property that would affect or limit development on the property which is the subject of the development application.

I NA W C

[ ] [ ] [ ] [ ] L. A copy of any protective covenants or deed restrictions, if any, affecting the property in question; provided that if none exist, an affidavit from the owner certifying that no such covenants or restrictions exist shall be submitted.

[ ] [ ] [ ] [ ] M. Information sufficient to determine if the special notice to Regional Center municipalities in § 102-12B(3) is required.

[ ] [ ] [ ] [ ] N. Proof of submission of the application to the Somerset County Planning Board (e.g., copy of stamped and dated County application form).

§ 102-72. Preliminary Major Subdivisions.

In addition to the requirements indicated in § 102-69, the information below shall be shown on the plans for all preliminary major subdivision applications:

I	NA	W	C	
[ ]	[ ]	[ ]	[ ]	A. The proposed name of the subdivision.
[ ]	[ ]	[ ]	[ ]	B. Curve data for all property lines.
[ ]	[ ]	[ ]	[ ]	C. Proposed lot and block numbers for each proposed lot.
[ ]	[ ]	[ ]	[ ]	D. Required building envelopes drawn for each lot, showing graphically and by dimension the minimum front, side and rear yard setbacks, as well as any easements within which the construction of buildings is prohibited.
[ ]	[ ]	[ ]	[ ]	E. Location and use of open space, if any, to be deeded to the Borough or controlled by an open space organization, as well as the use and nature of any other common areas.
[ ]	[ ]	[ ]	[ ]	F. Location, dimensions and nature of existing and proposed improvements in any streets, within or abutting the tract, including profiles and cross-sections for all proposed streets, sidewalks, alleys, and planting strips; radii, points of curvature and tangency and central angles of all curves, both centerline and curb.
[ ]	[ ]	[ ]	[ ]	G. Existing and proposed water supply, including plans and profiles of proposed water mains, pipe material and sizes, valves, joints, hydrants and location of private wells.
[ ]	[ ]	[ ]	[ ]	H. Existing and proposed sanitary sewer service. If septic disposal systems are proposed, test hole locations and soil log information shall be submitted, along with the location of existing septic tanks and fields. If connection to public sanitary sewers is contemplated, the applicant shall submit plans and profiles of proposed sanitary sewer lines; pipe length, material and sizes; location of pumping stations, manholes and other structures; and appropriate elevations.
[ ]	[ ]	[ ]	[ ]	I. Plans and profiles of existing and proposed storm drainage design and improvements, including a map showing the entire drainage area; the drainage area contributing to each pertinent drainage structure; drainage tabulation sheets showing calculations for each drainage area; length, size and material of drain pipes; direction of flow; location of inverts, manholes, dry wells, groundwater recharge basins, swales, drainage basins and other structures; and elevations of grates, inverts, etc. If any subsurface stormwater storage systems are proposed, the results of percolation tests shall be submitted with the application, along with test hole locations and soil log information.
[ ]	[ ]	[ ]	[ ]	J. Proposed location of easements for gas, electric, telephone and cable television service.

I = Incomplete NA = Not Applicable W = Waiver Request C = Complete

§ 102-72. Preliminary Major Subdivisions (continued).

I NA W C

[ ] [ ] [ ] [ ] K. Existing and proposed topographic contours, both for the tract and for adjacent areas affecting the development. Contour intervals shall not exceed the following: up to 3% grade, 1 foot interval; between 3% grade and 25% grade, 2 feet interval; 25% grade or more, 5 feet interval. Contour elevations shall be referenced to the New Jersey Geodetic Control Survey datum.

[ ] [ ] [ ] [ ] L. If regrading near existing buildings is proposed, proposed spot grades at the corners of all buildings, and finished floor elevations of buildings.

[ ] [ ] [ ] [ ] M. Location and description of existing and proposed street trees, landscaping and natural vegetation to remain. Information for proposed plantings shall include common and scientific names, number of plants, planted size and root specification.

[ ] [ ] [ ] [ ] N. The location and design of fences, walls, sidewalks and similar improvements to be proposed.

[ ] [ ] [ ] [ ] O. If development is proposed in phases or stages, a phasing plan.

§ 102-73. Final Major Subdivisions.

In addition to the requirements indicated in § 102-69, the information below shall be shown on the plans for all minor subdivision applications. Minor subdivision plans shall use a sheet size of either 8.5" x 13", 15" x 21", 24" x 36" or 30" x 42".

I	NA	W	C	
[ ]	[ ]	[ ]	[ ]	A. Those items required for preliminary major subdivisions pursuant to § 102-72, shown in final form.
[ ]	[ ]	[ ]	[ ]	B. Information sufficient to demonstrate that all of the conditions of preliminary approval have been satisfied, including but not limited to proof of all Federal, State, County and Borough governmental agency approvals, shown on the plan or on other written documentation, as applicable.
[ ]	[ ]	[ ]	[ ]	C. Name of the map.
[ ]	[ ]	[ ]	[ ]	D. Location and description of existing and proposed monuments, including monuments where found, monuments set or reset, and monuments to be set or reset.
[ ]	[ ]	[ ]	[ ]	E. Reference meridian for north arrow shown graphically.
[ ]	[ ]	[ ]	[ ]	F. Date of the survey.
[ ]	[ ]	[ ]	[ ]	G. Certification from a licensed surveyor as to the accuracy of the details on the plat and as to compliance with provisions of the Map Filing Law.
[ ]	[ ]	[ ]	[ ]	H. Certification from a licensed surveyor as to the setting of monuments or a signature block for the Borough Clerk as to the posting of a bond for the future setting of monuments.
[ ]	[ ]	[ ]	[ ]	I. A signature block for certification from the Borough Engineer as to the plat's compliance with the provisions of the Map Filing Law and all applicable Borough ordinances and requirements.
[ ]	[ ]	[ ]	[ ]	J. A signature block for a statement from the Borough Engineer that he has received a map showing all utilities in exact location and elevation identifying those portions already installed and those to be installed, and that the developer has installed all improvements in accordance with all Borough regulations, and/or a signature block for a statement by the Borough Clerk that proper performance guarantees have been posted with the Borough Council for the installation of required improvements.

Borough of Somerville

Request for
Official List of Persons to Be Served
(In Accordance With N.J.S. 40:55D-12c)
$10.00 FEE

I am requesting a certified list of property owners within 200 feet of:

Block _____ Lot _____ Address: _____

The certified list can be mailed, e-mailed or picked up in person. Please check your preference:

☐ Mail to:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

☐ E-mail to: _____

☐ I will pick the list up when it is complete please call me at (____) _____ to arrange for pick up.

_____ _____

Requestor's Name Requestor's Phone #

_____ _____

Requestor's Signature Date

www.somervillenj.org
Department of Community Development ♦ P.O. Box 399, 25 West End Avenue
Somerville, New Jersey 08876 ♦ Phone (908) 725-2300 ♦ Fax (908) 704-3540

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