

INDEPENDENCE TOWNSHIP LAND USE BOARD

INSTRUCTIONS FOR APPLICATION

APPLICATION: The applicant must submit his/her formal written application to the Board on forms provided by the Board Administrator. Applications must be submitted at least 21 days prior to a regularly scheduled meeting date to be considered.

FEES: Fees must be submitted at the time of application pursuant to the attached fee schedule. Please provide separate checks for the application and the review fee payable to "Independence Township".

SCHEDULING: Upon receipt of an application this department will review it for completeness in accordance with the checklist and NJSA 40:55D-3. In the event the application is found to be incomplete, the applicant will be notified within 45 days of the filing date of such application. Such notification will be in writing and shall set forth the reasons that the application was found to be incomplete. If the application is found to be complete, the administrative officer shall notify the applicant and assign a hearing date.

The Land Use Board normally meets on the 3rd Monday of each month at 7:30 p.m. Please confirm meeting date with the Board Secretary.

LEGAL NOTICE:
(if applicable) The Municipal Land Use Law requires that at least ten (10) days prior to your public hearing, proper notice be published in the Official Newspaper of the Municipality. Proof of publication must be submitted 3 days before the hearing.

NOTICE TO PROPERTY OWNERS:
(if applicable) The MLUL also requires that you notice all property owners within 200 feet of your property of the public hearing. You must obtain a certified list of property owners prepared by the Township's Tax Assessor. The charge for this list is \$10. It may take as long as seven (7) days to receive the list from the tax assessor's office. A sample Notice of Hearing form is included in this packet. Property owners must receive notice of the hearing at least 10 days prior to the scheduled hearing date.

AFFIDAVIT:
(if applicable) The enclosed affidavit of service must be completed, notarized and attached to the enclosed form "list of property owners to be served" indicating that you have served notice by personal service or by certified mail. For certified mail delivery, you must submit the dated certified mail receipts (the white copy stamped by the post office) at least five (5) days before the hearing. *Notices to property owners must be served at least 10 days prior to the hearing date and must contain all the information required by the Statute.*

APPLICATION: Please see the enclosed checklist. All requested information must be submitted to the Board Secretary as per the time limits stated. They must be assembled into separate packets so each Board member has a copy of each document.

**PUBLIC
HEARING:
(if applicable)**

The applicant should be prepared to provide the following information during the hearing:

- 1) Dimensions of all existing and proposed structures on the subject property and the existing and proposed impervious coverage.
- 2) Setbacks (front, side and rear) of all existing and proposed structures on the subject property.
- 3) Approximate setbacks of homes on neighboring lots. Be prepared to identify the name of the property owners as well as the block and lot number.
- 4) Is there any other location on the property that would support the proposed addition that would not require a variance? Explain why other alternatives would not be feasible due to the topography of the site, trees, rock formations, location of well and septic, etc.
- 5) Using the floor plans, identify all existing and proposed rooms and the use of each room or living space.
- 6) Is it possible to build upwards instead of outwards?
7. Provide photographs if they will be helpful in proving your case.
8. Do the benefits of granting the variance requested outweigh the detriments or negative impacts that might occur by granting the variance?

**VARIANCE
APPROVAL:
(if applicable)**

Any variance granted by the Board shall expire by limitation unless construction or alteration is actually commenced on every structure permitted by the variance within one-year (1) from the date of the passage of the resolution.

Whenever any application is approved subject to specified conditions, the conditional approval shall lapse and become null and void unless all specified conditions are fulfilled within 90 days of the date of conditional approval.

NOTE: Members of the public have 45 days to file an appeal of a decision of this Board. Therefore, if construction is commenced during this time period and an appeal is filed, you may be required to dismantle same.

RESOLUTION:

At the conclusion of the testimony, a Board member will make a motion to either grant or deny the application and to authorize the Board Attorney to prepare a resolution setting forth the findings of fact and conclusions of law. This draft resolution, which must be acted on within 45 days, is generally voted on and adopted by the Board. The adopted

Resolution is submitted to the Zoning Official by the Board Secretary. A copy of the resolution will be sent to you and the Board Secretary will arrange for proper noticing as per the MLUL.

As stated above you have 90 days to meet the conditions of the resolution. When you have done so a **“Compliance Packet”** must be submitted to the Board Secretary with all the necessary documentation to support your compliance with the conditions of the resolution.

DEEDS & PLANS: After your application has been approved, you must submit your deeds to this office for approval by the Board engineer. Upon approval, the Board chair and administrator will sign the deeds and plans. You will submit your deeds for filing to Warren County. This process must be completed within 190 days of the approval of the resolution.

Road dedication language on proposed deeds shall be consistent with the following unless specific conditions dictate modifications:
“Subject to the existing rights of the public in and to that portion of the above-described lot which lies within the right-of-way of _____ Rd., said right-of-way being _____ feet in width.

Subject also to an additional strip of land, hereby established and dedicated for roadway purposes, said strip being _____ feet wide for all its length, and which strip lies immediately adjacent to and _____ (Northerly, Southerly, Easterly, or Westerly) of an existing _____ right-of-way line of _____ Rd., it being the intention hereby to create a right-of-way line for _____ Rd being located _____ feet, measured at right angles, from the old original center line of _____ Rd.”

ESCROW ACCOUNT: Any vouchers submitted by the Board’s professionals incurred during the review of the application will be deducted from the escrow deposit (review fee) you submitted with your application. If the vouchers exceed the deposit, you will be required to deposit additional funds. If there is a balance remaining after all the vouchers have been submitted, you will receive a refund after compliance with the resolution (“Compliance Packet”) has been approved. This process can take up to three (3) months from the time of your approval since the refund request must be approved by the Board and the Township Committee prior to being received by the Finance Department.

LAND USE ADMINISTRATOR The Land Use Board Administrator, Alfia Schemm, is available at the Municipal Building every Monday from 1 p.m. to 4 p.m.