

HARMONY TOWNSHIP LAND USE BOARD

ZONING RELIEF APPLICATION INSTRUCTIONS

Applicants should read and thoroughly understand this package of information to assure they prepare proper and complete applications for the relief they desire. Responsibility for the completeness and accuracy of applications, compliance with Township ordinances and statutory requirements for notification, advertising, copies, map details, etc., are solely the responsibility of the Applicant. Township Officials will try to assist Applicants with answers and guidance but this is not a substitute for competent legal counsel which is also the sole responsibility of the Applicant, if deemed necessary.

Jurisdiction

The Land Use Board of Harmony Township may hear applications for relief from provisions of the Township Zoning Ordinances as follows (NJSA/MLUL Statutory References):

1. Appeals from decisions of an Administrative Officer relating to the Zoning Ordinances, commonly known as an “A” variance. (NJSA 40:55D-70a)
2. Interpretations of the Harmony Township Zoning Code or Zone Map. Commonly known as a “B” variance. (NJSA 40:55D-70b)
3. Variances from provisions of the Zoning Code relating to the “bulk criteria” (lot dimensions, shape, topography, etc.) and/or requests to vary from the strict enforcement of the bulk criteria due to the hardship caused by these particular conditions (Note: economic hardship is not a factor), other than use. Commonly known as a “C” variance. (NJSA 40:55D-70c)
4. Variances from provisions of the Zoning Code relating to non-permitted uses or structures, expansion of non-conforming uses, conditional uses, density increases or the like. Commonly known as a “use” or “D” variance. (NJSA 40:55D-70d)
5. Applications for building in the bed of a mapped street. (NJSA 40:55D-36)
6. Applications for a building or structure not related to frontage on an existing or mapped street. (NJSA 40:55D-35)
7. Site plans and/or subdivision approvals required in conjunction with an application for a “use” (“D”) variance, as in #4 above. (NJSA 40:55D-70d)

Zoning Relief Application Instructions

Page 2

Meetings

Regular Meetings of the Harmony Township Land Use Board are held the **first Wednesday** each month unless otherwise advertised, commencing at **7:00 p.m.**, at the Township Municipal Building, 3003 Belvidere Road, Harmony Township, Phillipsburg, NJ 08865; telephone number 908-213-1600, fax number 908-213-1850.

Applicants must seek and receive from the Land Use Board Secretary a scheduled Public Hearing date for any of the above applications in order to be officially heard and adjudicated.

Applications

See the Municipal Clerk during regular business hours (Monday-Friday, 9:00 a.m. through 4:00 p.m.) for Planning or Zoning Applications and instructions. After normal business hours, contact the Land Use Board Secretary at 908-213-1600, Extension 15.

Formal written Application must be completed and submitted at least twenty-eight (28) days prior to any expected meeting date, setting forth the requested relief, enclosing any fees (see Fees), and attachments as detailed on the Application and Checklists provided.

Sixteen (16) copies of the Application and supporting data must be submitted to the Municipal Clerk, who will check for paper work completeness of the Application. Where questions of legal or engineering completeness arise, a copy will be immediately forwarded to the Land Use Board Attorney and Land Use Board Engineer, for final completeness review.

The Attorney or Engineer, as appropriate, will notify the Applicant and the Clerk and Board Secretary of the completeness, or incompleteness, of the application.

The Board is required by law (NJSA 40:55D-) to render a decision within 120 days of receipt of a complete application for development or notice of appeal. Such time will not begin until the Application is deemed complete with all fees paid, proof of filing with the Warren

Zoning Application Instructions
Page 3

County Planning Board and Soil Erosion Control Board, where applicable.

When deemed complete, the Land Use Board Secretary will immediately:

- A. Set the earliest possible hearing date, based upon receipt of completeness date and workload of the Board, sending Notification to Applicant of Public Hearing Date, setting forth the date and time for the Public Hearing.
- B. Assure that the Applicant has the instructions necessary to complete public notifications requirements (available from the Municipal Clerk), as well as “buy/sell”, emergency access and other hearing evidence requirements.

Individual Applicants or partnership Applicants should be present themselves at the Public Hearing and may be represented by an attorney licensed in the State of New Jersey. Corporate Applicants *must* be represented by an attorney.

Partnership or Corporate Applicants must also file a completed Partnership/Corporate Affiliation Form detailing the owners/partners/officers of the business entity.

Documents

All documents submitted, with the exception of maps, must be prepared on 8½” x 11”, white paper suitable for easy copying and filing. Applicant is responsible for filing the necessary number of copies as detailed in various instructions. The Township cannot provide copying services.

Map Requirements

Applications shall include sixteen (16) copies of the following maps, plats or drawings, identified by block and lot number, name of preparer, date and certification block attesting to the accuracy of the data, signed by the preparer:

- A. Plot/Plan Map detailing the exact location and labeling of existing and proposed structures, dimensions, lot lines and related details (See Map Checklist). (A copy of your lot survey should provide a good starting point.)

Zoning Relief Application Instructions

Page 4

Map Requirements (continued)

- B. Area Map showing all of the properties within 200 feet of subject property, approximate location of structures, lot/block numbers, property owners' names. (A copy of the area Tax Map is available on request from the Municipal Clerk at the Municipal Offices.)
- C. Detail Drawings, particularly of proposed new structures showing building heights, facades, appearance or other details should also be submitted.
- D. Other Drawings, Maps, Photos which the Applicant feels necessary and appropriate to present the case.
- E. Site Plans and Subdivision Maps, where required must comply with the Site Plan and Subdivision requirements of the Ordinance.

NOTE: Maps must be on file at least ten (10) days prior to the Public Hearing date for public inspection. (NJSA 40:55D-10-b) Failure to submit will constitute an incomplete application and delay, or nullify, the hearing date.

Fees

Fees are due and payable with the Application. All checks or money orders (no cash) should be made payable to "Township of Harmony" and carry the Applicant's name and telephone number. (Please provide separate checks for the application fee and the escrow fees.)

Applicants should be aware that **Application fees are non-refundable**. Escrow fees are required to cover the costs beyond the actual Public Hearing (attorney, engineer, professional review time, etc.) and any unused portion may be refunded to the Applicant.

Fees are detailed which is enclosed with this Instruction Package.

Taxes

Proof that all Harmony Township Municipal, School and County taxes on the subject property have been paid *must* accompany all Applications for development or appeal. Attach a copy of a current receipt or request an affidavit of payment from the Township Tax Collector (Municipal Offices, Monday, 4:30 p.m. to 6:30 p.m., telephone 908-213-1600, extension 16.

Notification

Applicants for variances are required to give public notice at least ten (10) days prior to the Public Hearing date, in the following manner (NJSA 40:55D-12):

Upon completion of an Application for Variance and notification by the Board Secretary or other Administrative Officer of the completeness of the Application and establishment of a hearing date, the Applicant shall:

Obtain Certified Tax List

Make written request and pay the appropriate fee (\$10.00) of the Tax Assessor (Municipal Offices, Monday, 4:30 p.m. to 6:30 p.m., 908-213-1600, extension 13) for a Certified List from the current tax rolls of the names and addresses of all property owners within 200 feet of the property in question. If within 200 feet of another municipality, the Applicant must make similar application to the adjoining municipality.

Public Hearing Notification

Contents of Notice

The notice must state the date, time and place of the Public Hearing, the nature of of matters to be considered, the property Lot and Block Numbers, street address, location and times where documents are available for public inspection.

The Board Secretary will set the date of the hearing after the Attorney and/or Engineer has established the legal completeness of the Application, based upon timing and the expected load of business to come before the Board.

Who must be notified (at least ten days prior to public hearing)

1. All owners of real property, as shown on the current Tax Map (1, above), located within 200 feet in all directions of the property in question, must be notified of the Public Hearing. Notice shall be given by serving the property owners personally or by mailing a copy by Certified Mail to the property owner. Notice is deemed complete upon mailing.

Zoning Relief Application Instructions
Page 6

Who must be notified (continued)

Notice to a partnership may be made to any partner.

Notice to a corporate owner may be made to any officer or other person authorized by appointment or by law to accept service on behalf of the corporation.

NOTE: Certification stubs must be presented (see 5, below) as evidence of service.

- 2.A- The Clerk of all adjoining municipalities and the Warren County Planning Board, when the property involved is located within 200 feet of another municipality. Notice shall be as in No. 1, above.
- B- The Warren County Planning Board when the application involves property adjacent to an existing County road or proposed road shown on the Official County Map, County Master Plan or adjoins another county.
- C- The Commissioner of Transportation of the State of New Jersey when property abuts a State highway.
- D- The Director of the Division of State and Regional Planning in the Department of Community Affairs, when the hearing involves an application for development of property which exceeds 150 dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Administrative Officer pursuant to NJSA 40:55D-10-b.
- E- All Utilities holding easements within 200 feet of the property, pursuant to list provided by Tax Assessor or Municipal Clerk. Form Letter (ZB-108FL) attached may be used as a guide.

Proof of Notification

An Affidavit of Proof of Service to all required parties shall be submitted at least three (3) days prior to the Public Hearing to the Board Secretary or Administrative Officer (Clerk). The Affidavit shall have attached to it:

1. A copy of the Schedule which lists the names and addresses and date of service.

Zoning Relief Application Instructions

Page 7

Proof of Notification (continued)

2. One copy of the Form of Notice completed in the same manner as the originals which were served.
3. A copy of the Assessor's List which you received.
4. The original Return Receipts, if mail service, or personal receipt if served in person. Form Proof (ZB-109FL) attached, may be used as a guide.

Publication

Public notice shall be given by publication in the Official Newspaper of the Municipality (The Star Gazette: deadline - Friday at Noon for next Thursday publication) at least ten (10) days prior to the hearing date. (Form Notice ZB-111) attached, may be used as a guide.

Publication Proof

The Applicant shall furnish an Affidavit of Proof of Publication by the Free Press to the Board Secretary or Clerk at least three (3) days prior to the Public Hearing. This shall include a copy of the actual newspaper notice. Form Proof (ZB-112) attached, may be used as a guide.

Legal Representation

While it is in no way mandatory, if the Applicant feels the procedures to be followed to prepare this Application for relief from provisions of the Harmony Township Zoning Code are not clear or there are questions regarding the Application, it is recommended that the Applicant obtain the advice or representation of an attorney licensed in the State of New Jersey and experienced in planning and zoning matters.

Corporations, both for-profit and not-for-profit, must be represented by an attorney licensed in the State of New Jersey.

IMPORTANT

In order to expedite the processing of an Application, the Applicant should be careful to fully comply with all the above instructions. The Board can take no action until all requirements are fully complied with and, if unable to act within 90 days from the date the Application was received, the Board will be deemed, by statute, to have decided in the negative (denied) the Application.