

TABERNACLE TOWNSHIP LAND DEVELOPMENT BOARD

INSTRUCTIONS FOR APPLICANTS

INTRODUCTION

Applications to the Land Development Board are governed by the Municipal Land Use Law, N.J.S.A. 40-55D-1, et seq.; the provisions of the Zoning Ordinance of Tabernacle Township as amended; and Rules of Procedure. You must be familiar with this information to assure that your application is complete and can be promptly considered. Copies of the Zoning Ordinance are available for purchase from the Township Clerk. It is recommended that you consult an attorney.

THE FOLLOWING GENERAL INSTRUCTIONS ARE PROVIDED FOR YOUR CONVENIENCE. A FAILURE TO COMPLY WITH ALL PROCEDURES OR THE SUBMISSION OF AN INCOMPLETE APPLICATION MAY RESULT IN DELAY OR NONCONSIDERATION OF YOUR APPEAL OR APPLICATION.

I. APPLICATION FORMS

The original and 14 copies of the Land Development Board Application must be filed with the Secretary or Township Clerk at least 10 days prior to any requested hearing date. Within 10 days of receipt of a complete application, the Land Development Board Administrative Officer will notify the applicant of the hearing date and make the application available for public inspection.

All applications must be complete. Forms are available from the Township Clerk.

II. CONTENTS OF APPLICATION

Please note that 14 copies of a Plot Plan or Site Plan must be attached to every application. Where site plan or subdivision approval is requested in connection with a use variance, 14 copies of the appropriate plan must be attached. Site plans or subdivision plans must be filed with the County Planning Board. (See N.J.S.A. 40:55D-37c)

III. NOTICES REQUIRED

At least 10 days prior to the date fixed for hearing, the applicant shall arrange for the following notices required by N.J.S.A. 40:55D-12:

A. PUBLICATION

Public notice of any hearing (except those matters excluded by N.J.S.A. 40:55D-12a) shall be given by publication in the official newspaper (Central Record) or a newspaper in general circulation in the municipality (Burlington County Times).

B. PROPERTY OWNERS

Personal notice of any hearing shall be given to the owners of all real property, as shown on the current tax duplicate, located within 200 feet in all directions of the subject property. This notice shall be given by : (1) serving a copy of the Notice of Hearing on the property owner personally, or his agent in charge, or (2) mailing a copy by certified mail to the owner at the address shown on the current tax duplicate.

Names and addresses of owners of real property within 200 feet may be obtained from the Tabernacle Tax Assessor on Form 1 attached to the Land Development Board Application for a fee.

Notices may be given to property owners on Form 2 attached to the Land Development Board Application.

C. MUNICIPAL CLERK

Notice of any hearing shall be given to the Clerk of any adjoining municipality within 200 feet of the subject property by service or certified mail.

D. COUNTY PLANNING BOARD

Notice of any hearing shall be given to the County Planning Board when (1) notice to a municipal clerk is required, (2) the subject property adjoins county land, or (3) the subject property adjoins a county road, existing or proposed. Such service shall be personal or by certified mail.

E. COMMISSIONER OF TRANSPORTATION

Notice of any hearing shall be given to the Commissioner of Transportation when the subject property adjoins a State Highway by personal service or certified mail.

F. DIVISION OF STATE - REGIONAL PLANNING

Notice of any hearing shall be given to the Director of the Division of State and Regional Planning in the Department of Community Affairs when the subject property exceeds 150 acres or the application involves more than 500 dwelling units (See N.J.S.A. 40:55D-12g).

IV. CONTENT OF NOTICES

It is essential that all Notices published and served contain complete information as required by the N.J.S.A. 40:55D-11. Applicants should use Form 2 attached to the Land Development Board Application or consult an attorney.

V. PROOF OF NOTICE

At least 2 days prior to the date fixed for hearing, the applicant shall file with the Board Secretary a signed Affidavit of Proof on Form 3 attached to the Land Development Board Application. In addition, appropriate Proof of Publication of the required public notice (Central Record or Burlington County Times) shall be filed together with the Affidavit. If the required Proof is not filed on time, an application will not be heard.

VI. POWERS OF LAND DEVELOPMENT BOARD

The powers of the Zoning Board are established by N.J.S.A. 40:55D-70 and 76. Briefly, the types of relief available are as follows:

A. APPEALS

The Board may decide appeals from decisions of the Zoning Administrative Officer. An appeal must be filed within 20 days of his decision.

B. INTERPRETATIONS

The Board may hear requests for interpretation of the Zoning Ordinance or Map or make decisions on the other special questions.

C. HARDSHIP VARIANCES

The Board may grant variances where the strict application of the Zoning Ordinance or Zoning Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon a developer due to: (a) exceptional narrowness, shallowness or shape of a specific piece of property; (b) exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or (c) an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

In addition, the Board may grant a variance for a specific piece of property where the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance Requirements and the benefits of the deviation would substantially outweigh and detriment. The burden is upon the applicant to demonstrate the facts establishing that a variance should be granted under the foregoing standards.

D. USE VARIANCES

The Board may grant variances to allow a departure from the regulations of the Zoning Ordinance to permit (a) a use for principal structure in district restricted against such use or principal structure; (b) an expansion of a nonconforming use; (c) deviation from a specification or standard pertaining to a conditional use; (d) an increase in the permitted floor area ratio; and (e) an increase in a permitted density except as applied to required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots

are either an isolated undersigned lot or lots resulting from a minor subdivision. The burden is upon the applicant to demonstrate the facts establishing that a variance should be granted under the foregoing standards.

E. DIRECT ISSUANCE OF PERMITS

No part of the above forms of relief may be granted unless the applicant establishes that any relief requested will not substantially impair the intent of the zoning board and zoning ordinance nor result in substantial detriment to the public good.

VII. FEES AND COSTS

The applicant must pay all costs and expenses for the preparation, filing and service of application materials and notices. In addition, every application filed with the Board Secretary shall be accompanied by an application fee in the amount of ~~\$.300.00~~ Also, every application shall be accompanied by an escrow fee of \$700.00 and an Escrow Agreement in the form required by the Land Development Board. Checks should be made payable to the Township of Tabernacle.

VIII. REPRESENTATION

At the time of the hearing, the applicant may appear on his own behalf or be represented by an attorney. In the event the applicant is a corporation, it must be licensed to do business in New Jersey and be represented by a New Jersey attorney.

IX. PRIOR APPROVALS

Certain applications require approval of other county or state agencies. It is the applicant's responsibility to determine the necessity for such approvals and submit appropriate verification to the Land Development Board.

X. NOTICE OF DECISIONS

As permitted by N.J.S.A. 40:55D-10i, the Land Development Board Administrative Officer shall cause publication of a brief notice of any decision in the official newspaper or in a newspaper in general circulation in the community. Such publication fixes the date from which the time of appeal runs.