

Instructions for Filing a Board of Adjustment Application

Before filing this application, we recommend that you contact the Zoning Officer to learn the nature of the variance required. Please follow these instructions to insure that your application contains all pertinent information and that all procedures are properly executed. If you have any questions about the application process, please contact David Schley, Assistant Township Planner at 908-204-3004 or Frances Florio, Board Secretary at 908-204-3026.

STEP 1 - SUBMITTING THE APPLICATION

1. SUBMIT ORIGINAL NOTARIZED COPY AND 16 COPIES OF THE APPLICATION (17 sets).

Complete the application form in its entirety. If a question does not apply, mark it "N/A". Do not leave any blanks.

All signatures on the application form must be notarized including, if applicable, those in question 16 of the application. When the applicant is a corporation or partnership, the names and addresses of all stockholders or individual partners owning 10% or more of its stock of any class must be listed as required by NJSA 40:55d-48.1 et seq., on FORM B.

2. SUBMIT ORIGINAL AND 16 COPIES OF A SURVEY OR PLOT PLAN (17 sets)

Indicate all pertinent information, including lot size, lot width, lot coverage, location of all existing structures, appurtenances and setbacks. The survey must be to scale. Sketch in the proposed improvement(s) and include accurate measurements of distances to all property lines. Complete the Dimensional Statistics form and attach to the survey or plot plan and include with the application. We do not distribute rolled plans; please submit all plans folded so that the name of the applicant is visible.

3. SUBMIT ARCHITECTURAL SKETCHES (17 copies) OF PROPOSED IMPROVEMENT(S).

4. SUBMIT PHOTOGRAPHS OF THE PROPERTY SHOWING THE LOCATION OF THE PROPOSED IMPROVEMENT(S).

One set of photographs on heavy photograph paper may be submitted. If you submit digital photographs, please include 17 copies.

5. SUBMIT THE CERTIFIED LIST OF PROPERTY OWNERS WITHIN 200 FEET AS PROVIDED BY THE TAX ASSESSOR.

This list may be obtained from the Tax Assessor for a fee of \$10. The list is valid for three months from the date of certification. The cover sheet, which includes the date the

list was provided, must be submitted. The list must be recertified by the assessor if you submit it after the three month deadline. Use FORM C to obtain the certification.

6. SUBMIT ORIGINAL CERTIFICATION THAT TAXES ARE CURRENT AS PROVIDED BY THE TAX COLLECTOR.

This certification must be obtained from the Tax Collector. Use Form D to obtain the certification. Please submit the original certification only.

7. SUBMIT, IF ANY EXIST, A LIST OF WITNESSES AND THEIR EXPERTISE WHO WILL TESTIFY IN SUPPORT OF THE APPLICATION.

8. SUBMIT APPLICATION FEE AND ESCROW DEPOSIT.

See SCHEDULE 1 for applicable fees. Three separate checks are required for the application fee, for the escrow deposit and for digitizing the application. All three checks should be made payable to “Bernards Township”. The escrow deposit is to cover costs of professionals such as attorneys, engineers, and/or planners, that the Board judges are necessary to advise them regarding your application. If the escrow deposit is insufficient to cover these costs, you will be billed the excess. Any escrow amount not needed will be refunded to you after the completion of the project upon receipt of a written request. An accounting and breakdown of these costs will be included in your billing. See SCHEDULE 1 for applicable hourly rates. You will not be billed more than the actual costs of services.

9. SUBMIT ORIGINAL COPY AND 16 COPIES OF CHECKLIST (17 sets)

The checklist is provided to assist you in satisfying the requirements of the Board regarding your application. Please indicate in the appropriate box which items have been submitted, are not applicable, or for which a waiver is requested. Please note that the checklist in this packet applies to variances pursuant to NJSA 40:55D-70(c) (bulk or dimensional). If you are applying for another type of variance, please see the Board Secretary (908-204-3026) for the appropriate checklist.

At this point, you have completed Step 1. You will be notified, in writing, within 45 days of the date your application was submitted, if your application is complete and scheduled, or if additional information is required. If additional information or revisions are needed, it is suggested that they be submitted as soon as possible to avoid scheduling delays.

If upon notification of your meeting date, you find that you are unable to attend, you must notify the secretary immediately so that your matter may be rescheduled.

STEP II - SERVING NOTICE

*At this point, you have been advised of your meeting date. Read and follow these instructions carefully. All notices should describe the proposed changes that require variance approval and the ordinance requirements (example: “....so as to permit a 14’ side yard setback where a 25’ setback is required”). **All notices sent to property owners must be served at least 10 calendar days prior to the public meeting and the notice of the public meeting must be published at least 10 calendar days prior to the public meeting.** If the notice is defective in any way, the hearing on the application must be postponed until proper notice is completed.*

1. NOTICE OF PUBLIC HEARING ON APPEAL OR APPLICATION

The applicant is responsible for serving a copy of the Notice of Public Hearing by certified mail or by personal service to all property owners within 200 feet per the certified list provided by the Tax Assessor. Please fill in the blanks on FORM E (type of variance, Township Ordinance Section, relief requested, location of property, and date of hearing) and sign the notice. If certified mail is used, it is highly recommended that these notices be sent requesting a return receipt, thus confirming receipt of the notice. Without proof of service (dated certified mail receipts), any decision made by the Board of Adjustment is liable to appeal.

You are also responsible for noticing any utility companies that have registered with the township; this information is provided with the certified list. It is also the applicant’s responsibility to notice 1) the adjoining municipality if the property is within 200 feet of a neighboring municipality; 2) the County Planning Board if the property is adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within 200 feet of the municipal boundary; and 3) the State Commissioner of Transportation if the property is within 200 feet of a state highway.

If notice is served by personal service, you must keep a list of dated signatures of all property owners on the property list at least 10 calendar days prior to the public meeting. If notice is served by certified mail, you must submit the stamped certified mail receipts (the Post Office calls these ‘white and green receipts’) and green signature cards, if sent return receipt.

2. PUBLICATION OF NOTICE OF PUBLIC MEETING

Complete FORM F using the same information required by Form E and publish this notice in one of the three official newspapers of Bernards Township (Bernardsville News, Courier News and Star-Ledger) no later than 10 days before the hearing date. It is the responsibility of the applicant to insure that the notice is published accurately and in a timely manner.

Request from the newspaper an AFFIDAVIT OF PUBLICATION.

3. SUBMIT PROOF OF SERVICE

You must supply proof that you have correctly served notice by submitting to the Board Secretary no later than 24 hours or **at least one working day** before the meeting the following:

1. Original Affidavit of Service

Complete FORM G, Affidavit of Service. Your signature at the bottom of this must be notarized.

2. One copy of Notice of Hearing on Appeal or Application (Form E)

3. Original Certified Mail Receipts, Green Return Receipt Cards and/or Original Signatures

If notice is served by personal service, submit a list of dated signatures of all property owners on the property list at least 10 calendar days prior to the public meeting. If notice is served by certified mail, submit the stamped certified mail receipts (the Post Office calls these ‘white and green receipts’) and green signature cards, if sent return receipt.

4. Original Affidavit of Publication from the newspaper your notice was published in.

At this point you have completed Step II. If the notice requirements have been properly satisfied, the Board will proceed with the public hearing of your application.

STEP III - AT THE MEETING

Be sure you are prepared. Be familiar with your documents. You should not be introducing any new plans or plats at this time.

You will be sworn in by the Board Attorney and all of your testimony will be under oath. The Board will ask you questions, which you should answer to the best of your ability. Members of the public will be permitted to ask you questions on your testimony and to comment on your application. All such testimony must be given at the public meeting. Petitions or letters submitted outside of the public hearing are not allowed.

When the public comments have concluded, the Board will deliberate and render a decision. Your application may be adjourned to another meeting if the Board feels more information is required to make a sound decision. If it is adjourned, you need not re-notice. Whether your application is granted or denied, the Board will request its attorney to prepare a resolution. At the next monthly meeting, the resolution will be read and the Board will vote to approve or deny the resolution.

STEP IV – AFTER THE MEETING

If your application has been approved and you have received a copy of your resolution, you may file for a building permit. Please read your resolution carefully and know what the conditions of approval are. If the escrow deposit is insufficient to cover the charges submitted by professionals, you will be billed for the difference. When these charges are satisfied, a copy of the resolution will be forwarded to you. Please be aware that some variances expire one year after the date of the resolution. Please inform the Board Secretary or the Assistant Township Planner if you need an extension of time.