

**WASHINGTON BOROUGH LAND USE BOARD
VARIANCE
INSTRUCTIONS TO APPLICANTS**

1. The regular monthly meetings of the Washington Borough Land Use Board are held on the second Monday of each month at 7:30 P.M. at the Washington Borough Municipal Building, 100 Belvidere Avenue, Washington, New Jersey 07882.

2. An application to the Land Use Board is a legal proceeding governed by the statutes of the State of New Jersey and the ordinances of the Borough of Washington. An applicant may wish to consult with an attorney for assistance in connection with the application. A corporation must be represented by an attorney in an application to the Land Use Board.

3. The name of the Clerk of the Land Use Board is Pat Titus. She may be contacted through the Washington Borough Municipal Building, (908) 689-3600 x130 or by email at ptitus@washingtonboro-nj.org.

4. The applicant must submit a formal written application to the Board on forms provided by the Board. The application forms may be obtained from the Clerk of the Board or on the Borough's website. The Land Use Board may not hear informal applications for variances. The Board will not consider a matter unless (1) an application form has been filed, (2) appropriate fees have been paid, and (3) notice has been given in accordance with paragraph 8 of these instructions and the statutes of New Jersey. A copy of the application shall be given by the applicant to the Zoning Enforcement Officer.

5. All applications for development shall be accompanied by the appropriate checklist for the type of application made. Such checklists shall be deemed an integral part of the application, and an application which lacks a checklist shall be deemed to be incomplete. The checklist may be obtained from the Clerk of the Board or on the Borough's website. The applicant shall submit to the Board at the time of application all relevant items as listed on the checklist **together with any request for waivers of any said items. The application must be deemed complete by the Board prior to the scheduling of a hearing and authorization to provide notice of same.**

6. An appeal shall be taken within 20 days of the action appealed from by filing a notice of appeal with the officer from whom the appeal is taken and a copy with the Clerk of the Land Use Board.

7. Fees for applications to the Land Use Board have been established by the Washington Borough Council and are set forth in §94-14 of the Code of the Borough of Washington.

8. At least ten (10) days prior to the date of the hearing, the applicant shall give written notice of the application as

required by N.J.S.A. 40:55D-12. A summary of the required notices follows. This summarizes the law as of the date of the preparation of these instructions. The law is subject to amendment by the State Legislature.

Public notice shall be given by publication in the Express-Times, Warren County Edition, the official newspaper of Washington Borough. **Note that the deadline for a Thursday Legal Ad publication in the Express-Times, Warren Edition, is the previous Tuesday morning at 10:00 A.M.**

Legal Ads Express Times-Warren County Edition:

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The notice must be **published** at least 10 days before the hearing.

B. Notice by personal service or by certified mail to the owners of all property located within 200 feet in all directions of the property which is the subject of the application in Washington Borough or adjoining municipalities as shown on the current tax duplicates.

C. Notice by personal service or certified mail to the Clerk of any adjoining municipality when the property which is the subject of the application is located within 200 feet of that adjoining municipality.

D. Notice by personal service or certified mail to the Warren County Planning Board on an application for property adjacent to an existing county road or proposed road shown on the official county map or county Master Plan, adjoining other county land or situated within 200 feet of a municipal boundary.

E. Notice by personal service or certified mail to the Commissioner of Transportation for development of property adjacent to a state highway.

F. Notice by personal service or certified mail to the State Planning Commission on an application for development of property which exceeds 150 acres or 500 dwelling units.

G. Notice by personal service or certified mail on a public utility, cable television company or local utility which possesses a right of way or easement within the municipality and which has registered with the municipality, if the application involves major subdivision or a site plan not defined as a minor

site plan.

IF NOTICE HAS NOT BEEN GIVEN AS STATED ABOVE, THE APPLICATION CAN NOT BE HEARD.

9. All addresses shall be obtained by the applicant from the current tax records of the municipality or from a list of property owners prepared by the Zoning Officer, upon the request of the applicant and the payment of the prescribed \$10.00 fee.

10. Affidavits of Service and Publication must be filed as follows:

A. An affidavit of service indicating the lot and block number of each owner served, the method of service, the name of the person served personally, and the date of service must be completed by the applicant, signed, notarized and filed with the Clerk of the Board at least 3 days prior to the hearing date. To the affidavit of service shall be attached (1) a completed form of notice filled in as it was served on the persons entitled to notice of the hearing; (2) a copy of the certified list of persons to whom notice should be sent as compiled by the Zoning Officer; (3) where service has been made by certified mail, the Post Office receipts postmarked at the time they were mailed.

B. The affidavit of publication provided by the Express-Times shall be filed with the Clerk of the Board not later than the date of the hearing.

11. In order to ensure expeditious processing of the appeal, the applicant should be careful to comply fully and promptly with all requirements. The time for the Board's decision (120 days) shall not begin to run until the filing of a complete notice of appeal or development application, together with requisite fees, and proof that the application has been properly served and published in accordance with paragraph 8 of these instructions and filed with the any other applicable agencies.

12. Any maps, **surveys** and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the Zoning Officer. The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.

13. The Land Use Board for variances consists of 7 members. Certain applications require affirmative votes of more than a majority of a quorum for approval. In the event the full authorized membership of the Board is not present at the commencement of a hearing, the applicant may request an adjournment of the application to the next regular meeting of the Board without providing further public notice.

14. Procedures and standards to be followed must be in accordance with Municipal Land Use Law (N.J.S.A. 40:55D-1 et

seq), all provisions of the Washington Borough Code, and the Rules and Regulations of the Washington Borough Land Use Board. A copy of the Rules and Regulations of the Washington Borough Land Use Board is on file in the office of the Washington Borough Zoning Officer.

15. All witnesses shall testify under oath or affirmation.

16. The applicant or the applicant's attorney must appear to present proof to support the application at the scheduled hearing.

17. The applicant has the burden of proving under N.J.S.A. 40:55D-70-1 **et seq. that the relief request can be granted pursuant to the Municipal Land Use Law.**

18. The Board provides for verbatim recording of the proceedings by tape recorder. An applicant may provide a certified shorthand reporter at the applicant's expense if desired.

19. No new case will be heard after **10:00 P.M.** and no additional testimony will be taken after 11:00 P.M.

20. A written resolution memorializing the Board's action will be prepared by the Board attorney and acted on by the Board, normally at the next regular meeting following the action of the Board. A copy of that resolution will be forwarded to the applicant or the applicant's attorney after the written resolution is adopted by the Board.

21. The Clerk of the Board will arrange to have a notice of the decision published in the official newspaper as prepared by the attorney, however the applicant may arrange such publication if the applicant so desires.