2015
WESTAMPTON TOWNSHIP
LAND DEVELOPMENT BOARD MEETINGS

MEETING DATES	APPLICATION & FEES TO SECRETARY BY
JANUARY 7, 2015	DECEMBER 17, 2014
FEBRUARY 4, 2015	JANUARY 14, 2015
MARCH 4, 2015	FEBRUARY 11, 2015
APRIL 1, 2015	MARCH 11, 2015
MAY 6, 2015	APRIL 15, 2015
JUNE 3, 2015	MAY 13, 2015
JULY 1, 2015	JUNE 10, 2015
AUGUST 5, 2015	JULY 15, 2015
SEPTEMBER 2, 2015	AUGUST 12, 2015
OCTOBER 7, 2015	SEPTEMBER 16, 2015
NOVEMBER 4, 2015	OCTOBER 14, 2015
DECEMBER 2, 2015	NOVEMBER 11, 2015
JANUARY 6, 2016	DECEMBER 16, 2015

* ALL PUBLIC NOTICE MUST BE PUBLISHED AT LEAST TEN (10) DAYS PRIOR TO THE MEETING DATE. NOTICE SHOULD BE SENT TO THE **BURLINGTON COUNTY TIMES** AT LEAST THREE (3) DAYS PRIOR TO THE DESIRED PUBLICATION DATE. ALL NOTICES TO PROPERTY OWNERS MUST BE SERVED AT LEAST TEN (10) DAYS BEFORE THE MEETING DATE.

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL

1. APPLICATION:	#OF COPIES TO BE SUBMITTED	
Application Package Contents:		
a. Application for Variance or Appeal	12	(Pgs. 7-10)
b. Notice to be served within 200 feet	1	(Pg. 11)
c. Proof of Service of Notice	1	(Pg. 12)
d. Schedule of Proof of Notice	1	(Pg. 13)
e. Notice of Hearing for Publication	1	(Pg. 14)
f. Affidavit (if more than 1 owner)	1	(Pgs. 15-16)
g. Escrow agreement	1	(Pgs. 17-20)
2. PLOT PLAN/SURVEY	12	
3. PROOF THAT TAXES ARE NOT DELINQUENT (obtain from Tax Collector)	1	
4. NOTICE TO COUNTY PLANNING BOARD (if land adjacent to County Road)	1	
5. NOTICE TO STATE OF NEW JERSEY (if land adjacent to State highway)	1	
6. BRIEF DESCRIPTION OF PROPERTY AND CONCISE STATEMENT OF THE VARIANCE REQUESTED	12	

7. APPLICATION FEE OF $100.00 (non-refundable)

8. ESCROW FEE OF $500.00 AND SIGNED ESCROW AGREEMENT

9. IF APPLICANT IS A CORPORATION OR A PARTNERSHIP, PLEASE ATTACH A LIST OF THE NAMES AND ADDRESSES OF PERSONS HAVING A 10% INTEREST OR MORE IN THE CORPORATION OR PARTNERSHIP.

NOTE: If site plan, subdivision or conditional use approvals are needed in conjunction with an application for use variance, please file the appropriate applications and submit with this variance application.

INSTRUCTIONS FOR APPEAL
or
APPLICATION TO THE WESTAMPTON TOWNSHIP
LAND DEVELOPMENT BOARD

1. Appeal or Application to the Land Development Board must be initiated by the completion and filing of twelve (12) copies of the form "Application for Variance or Appeal" as approved from time to time by the Board. Those papers shall be filed with the Secretary of the Board no later than three (3) weeks prior to the hearing date. The Board conducts its regular meetings on the first Wednesday of each month at 7:00 P.M. and unless otherwise ordered by the Board, public hearings for appeals and applications shall be heard at regular meetings.

2. All pertinent information called for by the application must be supplied. Fees as required by Ordinance shall be submitted with the application. A schedule of said fees is attached hereto. Upon submission, applications shall be accompanied by twelve (12) copies of a certified survey of the property to be considered. The survey shall set for the location of existing buildings and include front, side and rear yard dimensions. If a new building or buildings are involved in the application, twelve (12) copies of a plot plan, clearly indicating such buildings thereon as well as front, side and rear yard dimensions shall be submitted with the application. Proof that taxes or assessments are not delinquent with respect to the subject property must be submitted with the application. A statement from the Tax Collector of the Township shall be submitted. In the event taxes or assessments are delinquent and the Board decides to grant a variance, such relief shall be conditioned upon the payment of the delinquencies.

3. State law requires that Notice of the Public Hearings is to be served by the applicant at least (10) days prior to the hearing upon the following:

a. "<u>All owners of property</u> situate within or without the municipality, as shown by the most recent tax lists of the municipality or municipalities, <u>whose property or properties</u> as shown by said lists <u>are located within 200 feet</u> of the property to be affected by said appeal." <u>Method of Service of Written Notice</u>: Notice shall be sent by certified mail to those property owners to the last known address of the owners as shown by the most recent tax list of the municipality, or by handing a copy thereof to the property owner or his agent in charge of the property. Notice to property owners if a condominium association or horizontal property regime is satisfied by notice to the association in the case any unit owner has a unit above or below it; and to a regime in the case any co-owner whose apartment has one above or below it.

b. The Clerk of an adjoining municipality involving property situated within 200 feet of that adjoining municipality. Method of Service of Written Notice: Notice shall be sent by certified mail to the Clerk of the adjoining municipality.

c. The Burlington County Planning Board, where the land involved is adjacent to a county road or proposed road shown on the official County Map or Master Plan; adjoins other county land; within 200 feet of a municipal boundary (b, above). Method of Service Written Notice: Notice shall be sent by certified mail to the county planning board.

d. The Commissioner of Transportation, State of New Jersey, when the land involved is adjacent to a State highway. Method of Service of Written Notice: Notice shall be by personal service or certified mail to the Commissioner.

e. Director of the Division of State and Regional Planning, New Jersey Department of Community Affairs, when the application involves development of documents required to be filed with Board. Method Of Service of Written Notice: Notice shall be by personal service or certified mail to the Director.

f. The notices to be furnished and served by the applicant as outlined in Instruction #3 shall contain a brief description of the property involved, its location, a concise statement of the variance or relief requested and the date, time and place of such hearing. The notice shall also state that the documents are filed for public inspection. This Board has adopted a form of "Notice" which shall be used.

g. Applicants are advised that certified lists of property owners within 200 feet can be obtained from the Township Tax Assessor upon written request and payment of a fee of $10.00. The Tax Assessor is obliged to furnish the list within seven days after receipt of the request. However, applicants should understand that they must determine what public agencies must also receive notices according to law and as set forth in the instructions above.

4. Publication of Notice of the Hearing shall be provided for by the applicant who shall use the form adopted by the Board and annexed hereto. The notice to be published shall contain the same basic information as set forth in 3f. The notice must be published ten (10) days prior to the hearing. The notice shall be published in the Burlington County Times.

5. The applicant to the Land Develop Board "shall by affidavit present satisfactory proof to said Land Development Board at the time of the hearing that said notices have been duly served as aforesaid." A form of Affidavit and Schedule has been adopted by the Board which may be used. Although State law does not require the Proof of Service to be submitted until the hearing date, applicants are encouraged to submit them with their applications if possible. Proof of Publication of Notice shall also be submitted at the time of the hearing or prior thereto.

6. It is emphasized that the above requirements (paragraphs 1-5) must be complied with, otherwise, this Board cannot hear the application. Failure to comply with these instructions will delay the hearing of the appeal or application.

7. In the event an application is on appeal from a decision of the Township Zoning Officer or Building Inspector, the same notice required to be served upon adjoining property owners must be served upon the Zoning Officer or Building Inspector. Proof of such service must also be submitted.

8. Any person who applies to the Board for relief from the Zoning Ordinance must have a legal interest in the property which is the subject of the application. The applicant may appear in his own behalf, but corporations are required to be represented by an attorney at law of the State of New Jersey.

9. The Land Development Board has 120 days to act after the submission of a "complete" application, otherwise, it is deemed to be approved. If the application is complete upon receipt, the Secretary of the Board shall certify the same and advise the applicant. If the application is incomplete, the Secretary shall, in writing, inform the applicant why it is incomplete. The time for the Board to act will not commence until a complete application is received and certified as such.

10. In the event an applicant also requests site plan, subdivision or conditional use approvals, in conjunction with an application for a use variance, all application forms and information required by the Township Land Development Board shall be submitted. All fees required for such applications shall be submitted.

11. In the event an applicant who has been granted a use variance, subsequently requests site plan, subdivision or conditional use approvals, the requirements of paragraph 10. above shall be met. The time for the Board to act shall be as otherwise provided by law.

12. If the application is for a variance to construct a multiple dwelling of 25 or more family units, a site plan to be used for commercial purposes or a Subdivision of land into six or more lots, an affidavit of ownership shall be filed indicating individuals owning ten percent or more of the business entity.

13. The Secretary of the Board shall publish a notice of decision for each application acted upon by the Board. Appeals from any final decision of the Planning Board may be taken to the Township Committee, provided such an appeal shall be made within ten days of the date of publication of the decision of the Board.

14. The following forms attached hereto are hereby adopted by the Westampton Township Land Development Board:

a. Application for Variance (pgs. 7-10)
b. Notice to be Served Upon Property Owners or Public Agency (pgs. 11-12)

c. Affidavit for Proof of Service of Notice (pg. 13)
d. Schedule to be Attached to Proof of Service (pg. 14)
e. Notice of Hearing for Publication (pg. 15)
f. Affidavit of Corporation or Partnership (pg. 16-17)
g. Escrow Agreement (pg. 18)

FEES FOR VARIANCE

Application Fee (non-refundable):	$100.00
Escrow Fee:	$500.00
200 Foot Listing (to be obtained from Tax Assessor)	$10.00

**NOTE: All Fees must be on separate checks.

Applicants are advised to obtain a 200 foot list from the Assessor as soon as possible when starting the process of applying for a variance, since this is the step that can take a bit of time. Please remember that both certified mailed notice and notice published in the Burlington County Times MUST be made AT LEAST 10 days before the scheduled hearing date, otherwise the Board cannot hear the application.

DATE FILED: _____ (for office use only)

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
APPLICATION FOR VARIANCE OR APPEAL

To the Westampton Township Land Development Board:

The petition of _____,
who resides at _____,
respectfully shows:

1. A variance is requested with respect to land designated on the Westampton Township Tax Map as Block _____, Lot(s) _____.
2. The property is located _____
_____Phone # _____ in
a _____ zone district, the street number is _____.

2a. A variance is sought from Section(s) _____
_____ of the Zoning Ordinance to permit
_____
_____
_____.

2b. Applicant appeals from the decision of _____
_____ on _____, based upon
Sections _____of the Zoning Ordinance
for the reasons outlined on paragraph 9.

3. _____, who resides at
_____, is
the present owner of the property. Applicant's interest in the property is
_____
_____
_____.

4. No variance, conditional use, or special permit has ever been granted with respect to this property, except _____
_____.

5. The last previous use or occupancy of the property was by _____

_____,

who used the property for _____

_____.

6. The dimensions of the property are _____,

a. Frontage:_____ b. Depth:_____

The total area of the property is _____.

7. The property is now occupied by (a) building(s). Said building(s) occupy _____% of the lot(s) as nearly as can be determined. The height of said building(s) is _____feet and _____stories. (Please give the maximum if more than one building.) The setback from the nearest street is _____feet.

8. The percentage of coverage, height and setback of the proposed building(s) are _____

_____.

9. The petitioner advances the following reasons why the application should be approved:

9a. Describe how the proposed variances would promote the public welfare:

_____

_____

_____.

9b. Demonstrate that the proposed variance would do no substantial damage to the Westampton Township Plan: _____

_____

_____.

9c. Provide details of the future use of the property and structures if the variance is granted: _____

_____

_____.

9d. Describe any changes in traffic and/or parking patterns: _____

_____

_____.

9e. Describe impact on neighbors if variance is granted for use described in 9c: _____

_____

_____.

10. Twelve (12) copies of each of a certified survey/plot plan; one copy of proof of publication, proof of service of notice, or such of them as are required by the Board are submitted herewith.

11. Proof that taxes and assessments upon the property are not delinquent is attached hereto.

_____

Applicant

STATE OF :

ss.

COUNTY OF :

_____, of full age, being duly sworn according to law on his/her oath deposes and says:

I am the applicant named in the foregoing application and on my oath declare that each and every allegation therein contained is true.

_____
Applicant

Sworn to and Subscribed :
before me this day :
of , 20 .

_____
Notary Public of

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
NOTICE TO BE SERVED ON EACH PROPERTY OWNER WITHIN
200 FEET OF THE PROPERTY OR PUBLIC AGENCY AS REQUIRED

TO: _____

OWNER OF PREMISES: _____

_____ **BLOCK**_____**LOT**_____

PLEASE TAKE NOTICE:

**The undersigned has applied to the Land Development Board of Westampton Township for a variance from the terms of the Zoning Ordinance to permit ****_____

_____

_____ **on the premises of** _____

_____**. The property involved is located at**

_____**and is designated as Block** _____ **Lot** _____ **on the Westampton Township Tax Map. A public hearing has been scheduled for** _____**, 20**____**, at** _____ **in the Municipal Building, 710 Rancocas Road, Westampton, NJ, at which time you may appear either in person or by an agent, or attorney, and present any objection which you may have to the granting of this application.**

All documentation relating to this application may be inspected by the public during normal business hours at the Westampton Municipal Building.

Notice is sent to you by the applicant because the subject property is within 200 feet of your property or is otherwise required by law.

_____
Applicant

**** If the application also requests subdivision, site plan, or Conditional use approvals, it should be so indicated.**

PROOF OF SERVICE OF NOTICE UPON PROPERTY OWNERS AND/OR PUBLIC AGENCIES WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

AFFIDAVIT

STATE OF NEW JERSEY :
ss.
COUNTY OF BURLINGTON :

_____, of full age, being duly sworn according to law, deposes and says, that he resides at _____ _____ and _____ Is the applicant in a proceeding before the Land Development Board, Westampton Township, New Jersey, being an application under the Zoning Ordinance and relates to premises _____; that on _____, 20_____, he gave written notice of the hearing of this application to each and all of the owners of property and /or those public agencies required by law affected by said application, in the form attached hereto, and according to the attached lists, and in the manner indicated thereon.

Respectfully,

_____
Applicant

Sworn to before me, this _____ day of _____, 20_____.

_____ **_____**
A Notary Public of New Jersey **Signature of person who served the notices**

****Attach to this affidavit a list of the property owners and public agencies served, showing method of service and Tax Map designation.**

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD
SCHEDULE TO BE ATTACHED TO PROOF OF SERVICE OF NOTICE
LIST OF PROPERTY OWNERS AND AGENCIES SERVED
DATE _____

NOTICE: **The list of required names and addresses shall be obtained from the most recent tax lists of the municipality. This form shall be typewritten and shall clearly indicate the method of service. Each sheet must be certified by the person who served the notices.**

NAME AND ADDRESS	BLOCK / LOT	TYPE OF SERVICE

Types of Service: Personal Service (P.S.), Certified Mail (C.M.)

I hereby certify that the above listed persons were actually served with notice of this hearing by me in the manner set forth above.

NOTICE OF HEARING FOR PUBLICATION

PLEASE TAKE NOTICE THAT _____ has applied for a variance from Section _____ of the Westampton Township Zoning Ordinance to permit _____

_____

With respect to land and premises designated on the Westampton Township Tax Map as Block _____, Lot _____ , and further designated as _____ _____. Although no other variances, waivers or other approvals are requested at this time, further review of the application by applicant and Westampton Township may reveal the need for additional variances, waivers or other approvals. This notice, therefore, shall serve as notice that applicant will also seek any other variances, approvals or other waivers deemed necessary.

This application shall be heard at the regular meeting of the Westampton Township Land Development Board, on _____, 20_____, at 7:00pm in the Westampton Township Municipal Building, 710 Rancocas Road, Westampton, New Jersey.

All documents relating to this application may be inspected by the public during normal business hours in the Westampton Township Municipal Building, 710 Rancocas Road, Westampton, New Jersey.

_____
Applicant

<u>Applicant Information Only:</u>

This form is for Public Notice to be filed and paid for by the applicant in the official newspaper of Westampton Township (the Burlington County Times) for publication at least ten (10) days prior to the hearing date.

WESTAMPTON TOWNSHIP LAND DEVELOPMENT BOARD

AFFIDAVIT

STATE OF :
ss.
COUNTY OF :

_____, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I am _____(Title, i.e., Secretary, President, a Partner) in the firm of _____, a corporation/partnership with principal offices at _____ _____. The State of incorporation is _____ (if a corporation).

2. I am duly authorized by _____to make this statement under oath in order to comply with the laws of the State of New Jersey a required by P.L..1977, Chapter 336, with respect to an application for development filed or to be filed with the Westampton Township Land Development Board _____ _____ _____ _____ (insert: a. "to subdivide a parcel of land into six or more lots;" and/or b. "for a variance to construct a multiple dwelling of 25 or more family units;" and/or "for approval of a site to be used for commercial purposes"). The applicant in this matter is _____ _____.

3. I further state to my own personal knowledge that the following list of persons own 10% or more of the stock of any class of stock of the corporation or 10% or more of the interest in the partnership:

NAME	ADDRESS

_____

_____

_____

_____

_____

_____
Signature

NAME OF DEPONENT (type/print) _____

POSITION OR TITLE _____

Sworn to and Subscribed before :
me this _____day of _____, 20____
:
:

_____

NOTE TO APPLICANT: In the event a corporation or partnership is listed in paragraph 3 of the application, an authorized officer or partner of the listed entity shall also file an affidavit in the same form as this one listing names of owners of 10% or more in that entity.

Township of Westampton

ESCROW AGREEMENT

THIS AGREEMENT is made on this ___ day of _____, ____. _____ is hereinafter referred to as "Applicant"; the Land Development Board for the Township of Westampton is hereinafter referred to as "Board"; the Township of Westampton, acting as its redevelopment authority is hereinafter referred to as "Township".

WHEREAS, the Applicant has approached the Township of Westampton regarding a proposed project located at Block _____, Lot _____; and

WHEREAS, New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., and New Jersey Municipal Land Development Law and Westampton Ordinances require Applicants to establish an escrow whereby work required to be performed by Professionals employed by the Board and/or the Township will be paid for by the Applicant as required under the provisions of the Law as cited above;

NOW THEREFORE the following is an agreement with respect to the Developer's Escrow Agreement between the parties.

SECTION 1: PURPOSES

The Applicant agrees to pay all reasonable professional fees incurred by the Board and/or the Township for the performance of its duties.

SECTION 2: ESCROW ESTABLISHED

The Applicant hereby creates an escrow to be established within the Township's Finance Department, with an initial escrow deposit in the amount of $_____.

SECTION 3: ESCROW FUNDED

Upon the execution of this Agreement, the Applicant shall pay the Township the sums as required or determined by the Township acting as the Development Entity to be deposited into the escrow account as referred to in Section 2.

SECTION 4: INCREASE IN ESCROW FUND

If, during the existence of this Escrow Agreement, the funds held by the escrow shall be insufficient to cover any voucher or bill submitted by the professional staff and reviewed

and approved by the Township, the Applicant shall, within fourteen (14) days of receipt of the written notice, deposit additional sums with the escrow holder to cover the amount of the deficit referred to above and such additional amount reasonably anticipated by the Township needed to complete the application process. Until such times as funds are fully replenished, no further consideration, review, processing of any pending application, review of Ordinance, Resolution, or other matter permitted by the Land Development Board or Redevelopment Entity, nor shall any further inspection be performed by or on the behalf of the Township until such escrow has been deposited. Failure to post sufficient escrow funds to cover costs incurred or anticipated shall toll the period for action by the approving authority, as required by N.J.S.A. 40:55D-1 et seq. and particularly N.J.S.A 40:55D-51 and N.J.S.A. 40:55D-73 thereby barring an Applicant from seeking a default approval pursuant to N.J.S.A. 40:55D-10.4.

The written notice referred to in the paragraph shall be sent to:

APPLICANT NAME: _____

_____

Contact Person: _____

_____

Phone Number: _____

Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The Notice required under this paragraph shall be in the form of a Project Account Statement sent from the Township Offices or the Office of the appropriate professional.

After a period of forty five (45) days from the Notice from the Township, the Applicant's failure to deposit the additional funds shall be grounds for denial of the application or dismissal of the application without prejudice. In the event that the Board or Township approves the application, resolution or ordinance, the obligation to pay for professional review fees by depositing the funds in escrow shall be a condition of the approval granted by the Board or the Township, acting as Development Entity. If the escrow funds are

depleted, after the application is filed or granted, Applicant shall pay additional funds upon demand within a fourteen (14) day period. Failure to pay the demanded funds may also result in voiding any prior approvals upon due notice to the Applicant by the Board or the Township. In addition to the foregoing, Applicant hereby agrees that in the event reasonable necessary amounts charged by the professionals for review of the application are not paid, outstanding fees shall be deemed a lien on the property and shall be collectable as in the case of taxes by the adoption of a resolution by the Township governing body upon receipt for a certification that the amounts are due and owing pursuant to this agreement. Negative escrow balances shall incur interest at 1.5% per month.

In the event of the sale or transfer of property which is the subject of a development application or a change of the identity of the Applicant, all funds on deposit pursuant to this Agreement shall run with the development application affecting the property in questions and shall be considered to be the asset and/or obligation of any subsequent owner or Applicant unless the initial owner or Applicant provides written notice to the approving Authority, and to the Professionals providing review services, that the initial owner or Applicant has specifically reserved ownership rights of the escrow account. In the event such notice is received by Township Officials and Professionals, no further review shall be undertaken by Professionals until the new and subsequent owner or Applicant has established an escrow account and signed an escrow agreement.

SECTION 5: TIME OF PAYMENT

The professionals referred to in this Agreement, upon the conclusion of their services or periodically during the performance of their services, shall submit vouchers conforming to the requirements established by the Township for vouchers of the type and kind referred to under this paragraph. Said vouchers shall include the amounts of all fees and costs incurred as a result of the services set forth in Section 1 of this Agreement.

SECTION 6: PAYMENTS FROM ESCROW FUNDS

The Township shall review the vouchers submitted by the professionals to determine whether the services have been performed in the manner and to the degree required by this Agreement. Upon making a determination that services have been performed, the Township shall process said vouchers in the same manner and under the same terms as normally employed for vouchers submitted for work performed on behalf of the Township. At the conclusion of this processing, the amounts specified in vouchers shall be paid by the escrow holder from the escrow established pursuant to this Agreement.

SECTION 7: APPLICANT NOTIFICATION TO DISPUTE CHARGES

Pursuant N.J.S.A. 40:55D-53, et seq., Applicants shall notify in writing the Township of Westampton, Department of Community Development, and the professional whenever the applicant disputes the charges made by a professional for service rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made. The Township or its designee shall within a reasonable time period attempt to mediate any disputed charges. If the matter is not resolved to the satisfaction of the Applicant, the Applicant may appeal to the Burlington County Construction Board of Appeals.

SECTION 8: RETURN OF UNDEVELOPMENTD ESCROW FUNDS

Escrow funds cannot be refunded for at least one hundred twenty (120) days from the time of a final decision of the Board or the Township. After one hundred twenty (120) days, a request to refund unused escrow may be made by letter.

IN WITNESS WHERE OF, the parties hereto have set their hands and seals the date first written above.

_____
(Applicant)
(If applicant is a corporation or LLC, this signature must be attested to by An attorney.)

Attorney (If applicable)_____(Name)

_____(Address)

_____(Signature)