



LAND USE BOARD

Instruction and Information Packet



2021

City of Burlington, Land Use Board
525 High Street, Burlington, NJ 08016

Board Secretary: Niki Scott
Tues. 3p-5p & Thur. 9a-11a

609-386-0200 x 147

Lubsecretary@burlingtonnj.us

APPLICATION PROCEDURES

STEP 1: APPLICATION SUBMISSION

- A. Completed Land Use Application.
- B. Submit required numbers of copies of drawings, plans, maps, etc., pre-folded if applicable.
- C. Sign the Escrow Agreement, W-9 tax form, and complete the Escrow Set-up Worksheet.
- D. Submit all required Fee & Escrow payments as set forth in the Fee Schedule. Application fees are non-refundable. All checks should be made payable to the "The City of Burlington". (2) Two separate checks should be submitted for application and escrow.
- E. Complete Completeness Checklist and Required Submission Materials as denoted in the Checklist.
- F. Only included the applicable Completeness Checklist. All Items denoted are required for that type of application. If an item on the Checklist is not applicable or inappropriate, a submission waiver may be requested with justification for such a waiver and if require appropriate waiver fees.
- G. Request Property Owners List along with associated fee to the Tax Assessor.
- H. Request a Property Tax Sewer & Fair Share Connection Fee Certification to the Tax Collector. A search for municipal tax liens will show whether there are any outstanding taxes or liens on the subject property. This documentation of taxes paid and current must be provided before being deemed complete. Form should be submitted directly to the Tax Collector.
- I. A digital copy of the complete application must be submitted to the Board Secretary. This may be done via email, however due to the size of application it may required being downloaded to a media storage device and mailed or delivered to 525 High Street, Burlington, NJ 08016, Attn: Land Use Board

STEP 2: COMPLETENESS REVIEW (within 45 Days of submission)

- A. The application will be transmitted to all applicable departments and professionals for review.
- B. Staff and professionals will review the documentation submitted and check to ensure that all items required for submission in the Completeness Checklist have been submitted.
- C. All required documentation should be provided, or waivers may be requested from various checklist submission requirements. If necessary, items have not been submitted, a completeness review will be sent to the applicant indicating which items are outstanding. The required outstanding items must be addressed prior to being scheduled for a hearing.
- D. Once all necessary items are submitted, the application will be deemed complete and formally scheduled for a hearing date.

STEP 3: PUBLIC NOTIFICATION (a minimum of 10 days prior to hearing)

Notice must be provided in the official newspaper (Burlington County Times) and to property owners within 200 feet of the subject parcel (utilize list provided by the Tax Assessor, list must be current within thirty (30) days of the hearing date).

Please review the following instructions regarding proper notice procedures:

- A. Do not provide notice until you have been formally scheduled for a Planning Board hearing.
- B. Notice must be provided a minimum of ten (10) days prior to the hearing (not including the date of the meeting) or the application will be rescheduled to a later date, which will require new notice.
- C. Complete the NOTICE OF HEARING:
 1. The description of the relief sought must be provided on the form.
 2. Copies of the form must be distributed to all persons/entities listed on the Property Owners List either by Certified Mail or Hand Delivery in accordance with *N.J.S.A. 40:55D-12*.
 3. A copy of the Notice of Hearing must also be provided to all utility companies listed on the supplemental sheet attached to the Property Owners List.
- D. Complete the AFFIDAVIT OF SERVICE OF NOTICE (sign, notarize, and attach original certified mail receipts.)

- E. Complete PUBLIC NOTICE and submit it to the newspaper.
1. Notice must be published at least 10 days prior to the hearing.
 2. The description of the relief desired should reflect that of the NOTICE OF HEARING.
 3. The newspaper will send you an affidavit of proof of publication, which must be submitted to Board Secretary.

STEP 4: SUBMIT PROOF OF NOTICE

The following items must be submitted to the Board Secretary no later than five (5) days prior to the hearing date.

1. One copy of the NOTICE OF HEARING, and
2. The AFFIDAVIT OF SERVICE OF NOTICE, and
3. Original certified mail receipts, and
4. The affidavit of proof of publication from the Burlington County Times.

STEP 5: PREPARE THE PRESENTATION

- The presentation to the Board should be brief and concise, but present all relevant facts and address the requested variances. Photographs, sketches, witnesses, and/or any other pertinent information may be presented.
- Staff and professionals will prepare a review of each application, which should be addressed at the hearing. Board members and the applicant will receive copies of the review approximately one week prior to the hearing.
- All applicants or property owners that are incorporated must be represented by an attorney. Any employed professionals and experts for the applicant will be certified that they possess the appropriate New Jersey licenses prior to any testimony at the hearing.

NOTICE: Currently meetings are held virtually. The applicant, attorney or designated representative will be required to provide and share exhibits virtually from their own device. All exhibits and additional information must be emailed to the Board Secretary no later than three (3) days prior to the scheduled hearing date.

STEP 6: ATTEND THE HEARING (within 120 days of being deemed complete)

- A. An application must be heard by the Board within 120 days of being deemed complete. Complete Applications are typically scheduled with 60 to 90 days.
- B. The Board meets the fourth Wednesday of every month, except holidays, in Council Chambers, Municipal Building at 525 High Street. The hearing begins at 7:00pm.
- C. Board agendas are posted on the City's website at www.burlingtonnj.us under the Land Use Division before the hearing.

NOTICE: Meetings are currently being held virtually. Virtual instructions will be provided once a hearing date for the application is determined. The virtual instructions must be included in both the Notice of Hearing/to Property Owners and Public Notice. Any persons who wish to testify must be able to appear on camera during the virtual meeting. Virtual Instructions will also be posted on the City's website, under the Land Use Division.

STEP 7: AFTER THE HEARING

- A. The Resolution will be presented and memorialized by the Board. A copy of the resolution may be requested by applicant or applicant's attorney upon verification that all taxes and escrows are current.
- B. Notice of Decision. A Notice of Decision will be submitted to the Burlington County Times for publication by the Board Secretary within ten (10) days of the memorialization of the Resolution.
- C. Time Period for Appeal. Any party interested in appealing the decision of the Board, must do so within forty-five (45) days of the publication of the Notice of Decision.
- D. Items to Submit After the Hearing:
 - 1. Conditions of Approval. Any and all conditions of approval must be satisfied (legal documents, additional information, etc.), which should be submitted to the Board Secretary, the Board's Professional, and Solicitor for review. Revise as necessary.
 - 2. Escrow. Any outstanding bond payments, inspection escrow, and/or review escrow must be submitted prior to the issue of any permits. Approximately (3) three months after memorialization should a positive balance remain in the escrow account after the project is complete and all bills are submitted, a written request for the refund of the remaining escrow must be submitted.
 - 4. The applicant must maintain a sufficient Working Escrow Balance. No permits will be issued until all escrows and required fees are paid in full.

Please note due to the unique nature of each application, the outlined process MAY VARY

NOTICE TO PROPERTY OWNERS

TO WHOM IT MAY CONCERN:

In compliance with the Zoning Ordinance of the City of Burlington, NJ, notice is hereby served upon you to the effect that (I) (WE) (Name)_____do hereby propose to (give detailed information):

Property Location:_____

(The Zoning Officer of the City of Burlington, NJ, refused this request by reason of its being in violation of Section_of the Zoning Ordinance, from which {I} (WE) have applied to the Land Use Board for a (HARDSHIP) (USE) variance, (together with subdivision__, site plan__, or conditional use __ approval).

Any person(s) affected by this (APPEAL) (APPLICATION) may have an opportunity to be heard at the meeting to be held on_____at 7PM in City Hall, 525 High Street, Burlington, NJ (use Belmont Street entrance). All documentation relating to the application may be inspected by the public by contacting the Board Secretary Niki Scott at City Hall, 525 High Street, Burlington, NJ or by calling (609) 386-0200 ext. 147 or email lubsecretary@burlingtonnj.us.

APPLICANTS SIGNATURE

SAMPLE

NOTE TO APPLICANT: This notice must be personally served or sent certified mail at least ten (10) days prior to the date of the hearing & proof of service submitted to the Board Secretary at least five (5) days prior to the meeting date. Virtual meeting instructions are to be included in both Notice to Property Owners and Notice of Publication. Information will be provided once a meeting date has been scheduled.

AFFIDAVIT OF PROOF OF SERVICE

PLANNING BOARD OF THE CITY OF BURLINGTON, NJ

Proof of service of notices required by statute must be filed and verified with the Board Secretary at least five (5) days prior to the meeting or the case will not be heard.

State of New Jersey)

County of Burlington) SS.

_____. of full age, being duly sworn according to law, deposes and says that (SHE) (HE) resides at _____ in the municipality of _____ County of _____ and State of _____ that (SHE) (HE) is/are the applicant(s) in a proceeding before the City of Burlington Planning Board in Burlington City, NJ, being an appeal or applicant under the Zoning Ordinance, and which is Case No. _____ and relates to premises known as _____ ; and that on _____ (SHE) (HE) gave written notice of the hearing on this application to each and all of the persons upon which service must be made, in the required form and according to the attached list and in the manner indicated thereon.

APPLICANTS SIGNATURE

Sworn and Subscribed before me
on this _____ day of _____ 20__.

SAMPLE

Note to the applicant: Attach list of all persons served. Include receipts