

PROCEDURE FOR FILING APPLICATIONS TO THE ZONING BOARD OF ADJUSTMENT



This guideline has been prepared to assist the applicant in making a complete application to the Board of Adjustment. It summarizes many of the requirements of the N.J. Municipal Land Use Law and the City of Summit Development Regulations Ordinance, but does not include all of the law or ordinance requirements.

The responsibility for meeting filing and similar requirements of the Municipal Land Use Law and the Development Regulations Ordinance rests with the applicant.

The Municipal Land Use Law and the Development Regulations Ordinance are available for review by interested parties at the Department of Community Services, 512 Springfield Avenue, Summit N.J. between the hours of 8:30 a.m. and 4:00 p.m.



1. WHEN AN APPLICATION IS REQUIRED:

- a. An application is required when the applicant has submitted a building permit application for proposed work and the Zoning Officer has denied the application.
- b. An application is required when the applicant is **appealing a decision** of the Zoning Officer but is not seeking a variance.
- c. An application is required when the applicant seeks an **interpretation** of the zoning map or of the language in the ordinance.
- d. A direct application can also be made to the Board, without first receiving a letter of denial, if the applicant has determined that **variances** (either **use** or **bulk** variances or both) are needed for a project.

NOTE: A variance is permission to depart from the literal requirement of the DRO.

The need for an application to request a variance may be for "bulk" requirements. These include seeking **variances** from the requirements of the ordinance, including setbacks from property lines, building coverage, lot coverage, lot area, lot width, or similar standards outlined in the DRO. These variances are called **(c) variances**.

The application could also seek approval of a "use" that is not permitted in a particular zone. These are called **use variances**.

In any case, the Zoning Officer's letter of denial may form the basis for the application. Additionally, the Zoning Board may determine that additional variances are needed at

the time of the hearing based on their review of the ordinance, and on the testimony and the evidence presented.

2. PRIOR TO FILING THE APPLICATION :

a. Obtain an application package from Community Services.

- * - application form
- * - submission checklist
- * - copy of sample advertisement
- * - copy of sample notice
- * - copy of certification of paid property taxes
- * - site plan package (if needed)
- * - subdivision package (if needed)

b. Obtain from Community Services a certified list of property owners, and a copy of the tax map section showing all properties within 200 feet of the applicant's property. The applicant uses this list for notification to property owners that you are filing an application. FEE - \$11.00

NOTE: An applicant may prepare the maps and lists with information taken from the city's tax assessor's records. You must then have the lists notarized and submit them with the application.

3. SUBMITTING AN APPLICATION :

- a. Complete the application form and all other required forms, including the checklists.** Mark the checklists for each item, either a check mark (✓) for items submitted or N/A for those not applicable.
- b. Make 12 copies of all of the applicable numbered items on your primary checklist (#1 through #7), making the number of copies indicated for each.**
1. Collate all items (#1 through #7) being submitted into the number of separate packages indicated on the checklist. When you are finished, you should have 12 packages, consisting of one set of originals and 11 sets of copies. Each package will have items #1 through #7 in number sequence order (i.e., item #1 on top, then items #2, #3, etc.)
 2. Collate the remaining checklist items (#8 through #13) and submit them with the original copy set of items #1 through #7.
- c. File the packages with the Department of Community Services at least thirty days prior to the desired meeting date.** The meeting schedule is available from the Department, and is posted on the kiosk on the first floor lobby of City Hall.
- d. Pay the required fees.**

* Refer to the attached fee schedule for application and escrow fees.

* Plus subdivision, conditional use and/or site plan fees, if needed.

** You will be charged for the time the City Professionals spend on your case. The City Professionals include the court reporter, the engineer, the city planner, the city forester and any other professional, as needed. The escrow deposit will be used to pay these charges. After the application is decided and you receive your resolution, you will either be billed for additional money or receive a refund.

4. AFTER THE APPLICATION IS FILED :

a. **Determination of "Completeness"** - The office staff will review the package to determine that the application is complete, pursuant to the requirements of the *Municipal Land Use Law* (N.J.S.A. 40:55-10.3). This is a legal determination as to whether the application package contains all of the items and the detail required by the checklist.

(1.) **For incomplete applications:** Either at the time of filing or within 45 days, you will be notified of the deficient item(s); it is up to the applicant to then make any correction(s). You will not be able to advertise or notify property owners until the application is complete!

(2.) **For complete applications:** You will receive a letter from the board secretary that includes the date of the hearing. You then must notify all parties required by law to receive notice, and also advertise the hearing in one of the official newspapers of the City as designated by the Common Council.

b. **Public Notice:** You must serve notice of the hearing on all property owners within 200 feet of your property, and on the public utility companies, and on the County Planning Board and on the Municipal Clerks when adjoining municipalities are within 200 feet, and on the County Planning Board when your property is located on a county road, and on any other agencies as may be required by the *Municipal Land Use Law*. (See N.J.S.A. 40:55D-12).

(1.) The notice must be in writing.

(2.) The notice must set forth the date, time and place of the hearing; the nature of the matter(s) to be considered (reasons for the hearing, including variances sought); identification of the property by street address.

(3.) The notice must identify the location where all application documents may be inspected.

(4.) The notice must be served at least ten calendar days prior to the date of the hearing, by certified mail or by personal service (hand delivery).

(a) If hand delivered, the notice must be presented to a member of the owner's household at least fourteen years of age, with the date, time and name of that person recorded on a list of persons served. Notice must be served to the Property Owner, not a tenant as listed on the Property Owner's List.

- (b) The date of hearing is not one of the ten days. For example, notice of hearing on July 2nd must be served by June 22nd; service on June 23rd would be too late.

⇒ Failure to properly notify all required parties prior to the hearing will prevent the case from being heard.

⇒ Notifying required parties before the application is determined to be complete will result in your application being withheld from the Board's agenda, and cause you to send a second notice, delaying your hearing date.

- c **Advertising:** the advertisement for the hearing must be published at least ten days prior to the hearing in the *Union County Local Source* or in the *Star Ledger* newspapers (or any other official City newspapers as designated by the Common Council).

(1.) The *Union County Local Source* publishes on Thursdays only. Please contact the Union County Local Source for deadline date to submit you legal notice.

(2.) The content of the advertisement is the same as the **Public Notice** described in Section b. above.

⇒ The applicant is responsible for submitting the advertisement to the newspaper in time for publication. Failure to advertise prior to the hearing will prevent the case from being heard.

⇒ Advertising before the application is determined to be complete will result in your application being withheld from the Board's agenda, and cause you to advertise a correction notice, delaying your hearing date.

5. THE HEARING PROCESS :

- a. **Affidavit of Service:** After serving notice and after advertising, the applicant must submit an affidavit to Community Services, certifying both have been done according to law. This affidavit must be filed with the board secretary at least three business days prior to the hearing date. The affidavit must include the receipts for the certified mail and/or the signed proof of notice if you hand deliver along with the property owner's list within 200 ft.

(*you may attach several receipts onto one 8 ½" x 11" piece of plain paper in the order of property owners list, in order to assist in making copies)

- b. **Agenda of the meeting:** The Board chairperson will call the case according to the agenda prepared by the secretary prior to the meeting.
- c. **Presentation of witnesses and evidence:** The applicant is responsible for having all witnesses, reports, evidence, displays, and any other items related to the case ready for presentation at the time of the hearing.

(1) The applicant may appear *pro se*, that is, without an attorney, except when the owner of the property is a corporation.

(2) Any sketch, plat or other drawing prepared on a display board or similar format must also be presented to the Board Secretary in **foldable** paper form for archive purposes. The paper form will be the document marked into evidence or identified as an exhibit.

- d. **Resolution of decision:** Upon conclusion of the hearing, or as soon thereafter as the agenda permits, the Zoning Board will deliberate the merits of the application. This may be at the same meeting as the hearing, or at a following meeting. Once discussed and a decision is reached by vote, a resolution will be prepared by the boards attorney, setting forth the findings and decision.
- e. **Memorialization of the decision:** The decision of the board will be *memorialized* in the formally adopted resolution at a subsequent meeting of the board, usually the next regularly scheduled meeting. The applicant's attorney may be required to prepare a draft resolution setting forth the Boards findings and decision. This draft resolution will be submitted to Board attorney who will then review it in conjunction with the transcripts and evidence to assure its accuracy. The final resolution will be mailed to the applicant after it has been adopted and signed.



A favorable decision by the Zoning Board is not approval to begin construction work.

If you need assistance please contact 908-273-6407 Planning and Zoning

6. CONSTRUCTION PERMITS:

Construction permits, sewer installation permits, road opening permits, grading permits, curb and sidewalk permits, tree removal permits, and other similar forms of approval may be required before work can commence. These approvals will not be given to the applicant until after the Board has adopted and memorialized the resolution and all Performance Guarantees and fees are submitted.

The applicant must present a copy of the signed resolution along with construction plans, completed permit forms, and any other information needed to obtain permits. Permit application information is available from the Department of Community Services.

If you need assistance please contact 908-273-6408 Contruction





**APPENDIX E-2
ZONING BOARD APPLICATION CHECKLIST**
City of Summit, Union County, NJ



Name of applicant _____ Date _____

Address of property _____ Block _____ Lot _____

- Approval requested: Appeal zoning officer decision Interpret Ordinance or Map
 Bulk variance Use variance

NOTE: This checklist is not a substitute for the specific requirements of the Development Regulations (zoning) Ordinance. See the Ordinance for detailed requirements.
NOTE: You must collate many of the items on this checklist into separate packages – please refer to the *Procedure for Filing Applications to the Zoning Board of Adjustment* for instructions.

| | Applicant | City |
|--|-----------|-------|
| 1. Original and 12 copies of application form | _____ | _____ |
| 2. Original and 12 copies of narrative description of project | _____ | _____ |
| 3. Original and 12 copies of plat/property survey, showing the existing and proposed building setbacks | _____ | _____ |
| 4. Original and 12 copies of proposed structure, including interiors | _____ | _____ |
| 5. Grading plan | _____ | _____ |
| 6. Thirteen copies of the zoning officer's decision (If applicable) | _____ | _____ |
| 7. Thirteen copies of the area map of properties within 200 feet, showing each of the following items: | _____ | _____ |
| a. <u>street numbers</u> | | |
| b. <u>date and graphic scale</u> | | |
| c. <u>north arrow</u> | | |
| d. <u>Zone district</u> | | |
| e. <u>uses of each property within 200 ft.</u> | | |
| 8. Original and 12 copies of the certified list of owners of property within 200 feet. | _____ | _____ |
| 9. Original copy of evidence of paid property taxes | _____ | _____ |
| 10. Original copy of the proposed notice to owners within 200' | _____ | _____ |
| 11. Original copy of the proposed advertisement | _____ | _____ |
| 12. Subdivision submittal (If applicable) | _____ | _____ |
| 13. Site plan submittal (If applicable) | _____ | _____ |
| 14. Original copy of this completed checklist | _____ | _____ |
| 15. Application fee and escrow deposit | _____ | _____ |
| 16. Electronic copies of all submissions shall be submitted by CD, USB drive or other means acceptable to the Summit Department of Community Services staff. | _____ | _____ |

Applicant - Please do not write below this line

On _____, this submittal was deemed complete _____ incomplete _____.

_____ Administrative Office

Application to Zoning Board of Adjustment of Summit, New Jersey

Summit, N. J. _____, 20_____

In the matter of the petition of _____ for relief from the
strict application of the provisions of the Development Regulations Ordinance of the City of Summit.

Petitioner _____
residing at _____ says:

I. Petitioner is the _____ of property
located at _____

Block _____, Lot(s) _____ on the Tax Map located in the _____ Zone.

2a.) With respect to said property petitioner desires a variance, special exception, or other relief
from the bulk requirements of the Zoning Ordinance of the City of Summit to permit the use of
the property in the following manner: _____

2b.) The proposed use described above requires the following variance(s): _____

3. The premises affected are more particularly described as follows:

Area of Plot _____ square feet

Area of existing structures which will remain _____ square feet

Total area of plot to be occupied by structures _____ square feet

Percentage of lot to be occupied by structures _____ percent

Proposed set-back, front line _____ feet;

Proposed sidelines (specify if corner _____ feet;

Proposed rear yard _____ feet.

Year house built _____.

Other pertinent characteristics _____

4. There has been no previous petition for relief involving these premises except: _____

5. The reasons which support petitioner's claim of the right to relief are as follows: _____

6. Attached hereto and made a part hereof are the following:

(a) Complete set of plans of any proposed building alteration or extension including schematic floor plans and elevations with sufficient notations to clearly establish the extent and character of the proposed structure:

(b) Plot plan showing size of plot bounding streets: compass point, size, type and location of all existing buildings and improvements on the plot: size and location of proposed building and improvements: distance of all property lines from buildings and improvements including the proposed building or buildings.

7. By signing this section, the petitioner hereby gives consent for City Officers and Board Members to enter upon this property for the purpose of reasonable inspections to investigate representations made herein.

Petitioner

Petitioner's Phone Number _____

Petitioner's Email _____

Attorney's name, address, phone, email and fax numbers.

State of New Jersey
County of Union

_____, being duly sworn, says that she/he is the petitioner, or one of the petitioners, in the above action; that permission of the owner has been obtained if the petition is filed by a party other than the owner; and that all of the matters and things set forth herein are true.

Petitioner's printed name

Petitioner's signature

Sworn and subscribed before me this

_____ day of _____, 20____

Notary Public

Check here if additional pages are attached.

The City of Summit

New Jersey

07901-0001 012 Springdale Avenue Summit, NJ 07901

Date: _____

PLEASE PRINT

FEE: \$11.00¹

Application for a *Certified List of Property Owners* within 200 feet of the following:

Property address: _____

Block _____ and Lot(s) _____

Owner: _____ Address: _____

Applicant: _____ Telephone: _____

Email Address: _____

| Block | Lot(s) |
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Notes: _____

I certify that the attached is an accurate and complete list of property owners and addresses from the Tax Assessor records.

Timothy O'Connor, Tax Assessor

¹ Includes map. Fee is \$10 without map

The City of Summit
New Jersey

Public Utility Registration List

Request for Notice of Hearings

Any public utility, cable television company, local or other utility may request service of notice of hearings for development, pursuant to N.J.S.A. 40:55D-12, et. seq., provided the utility has an easement or other form of right-of-way.

The following listed utilities have registered to receive service of any notice of hearing for development in the City of Summit. Proof of service, as required by the Municipal Land Use Law, shall include service to this utility.

Donna Short
GIS Supervisor
New Jersey-American Water Company, Inc.
1025 Laurel Oak Road
Voorhees, NJ 08043

Public Service Electric and Gas Company
Manager - Corporate Properties
80 Park Plaza, T6B
Newark, NJ 07102

THE CITY OF SUMMIT

N E W J E R S E Y

City Hall 512 Springfield Avenue Summit NJ 07901

Patricia R. Dougherty
Collector of Taxes

Telephone(908) 273-6403
Fax (908)608-1214

ADDRESS: _____ DATE: _____

OWNER(S): _____

BLOCK: _____ LOT(S): _____

PURSUANT TO THE PROVISIONS OF THE MUNICIPAL LAND USE LAW, N.J.S.A. 40:55D-1 ET. SEQ. PERTAINING TO THE ZONING BOARD OF ADJUSTMENT AND/OR PLANNING BOARD APPLICATIONS. I, HEREBY CERTIFY THAT THE TAXES OR ASSESSMENTS FOR PUBLIC IMPROVEMENTS, OR BOTH, ARE NOT DUE OR DELINQUENT ON THE ABOVE PARCEL(S), AND HAVE BEEN PAID TO DATE ACCORDING TO LAW.

Patricia R. Dougherty
Collector of Taxes

For Office Use Only:

Department of Community Services

Date filed: _____

File ZB/PB# _____

Received by: _____

NOTICE OF HEARING

DATE: _____

TO _____

YOU ARE HEREBY NOTIFIED, as provided in the Municipal Land Use Law, that the Zoning Board Board of Adjustment of the City of Summit, New Jersey, will hold a hearing on _____, 20__ at 7:30 p.m. in the City Hall Council Chambers, 512 Springfield Avenue, Summit, New Jersey, to consider an application affecting the property whose street address is known as _____

The conditions affecting this property and the reasons for the application being heard are as follows: _____

Applicant requests any other waivers or variances as may be required by the Board or its professionals at the time of the hearing.

The application forms and supporting documents are on file in the Department of Community Services, 512 Springfield Avenue, and may be inspected any workday between the hours of 8:30 a.m. and 4:00 p.m. Any interested party may appear at the hearing and participate therein, subject to the rules of the Board.

Applicant's signature

Applicant's printed name

NOTICE OF HEARING FOR PUBLICATION

The Union County Local Source
1291 Stuyvesant Avenue
Union, NJ 07083

Tel: 908-686-7700

TAKE NOTICE THAT the Zoning Board of Adjustment of the City of Summit, New Jersey, will hold a hearing on _____, 20____ at 7:30 p.m. in the City Hall Council Chambers, 512 Springfield Avenue, Summit, New Jersey, to consider an application affecting the property whose street address is known as

_____, Block _____, Lot _____.

The conditions affecting this property and the reason for the application being heard are as follows:

Applicant requests any other waivers or variances as may be required by the Board or its professionals at the time of the hearing.

The application forms and supporting documents are on file in the Department of Community Services, 512 Springfield Avenue, and may be inspected on any workday during business hours, 8:30 a.m. to 4:00 p.m. Any interested party may appear at the hearing and participate therein, subject to the rules of the Board.

Applicant's printed name

**AFFIDAVIT OF PROOF OF SERVICE
ZONING BOARD OF ADJUSTMENT
CITY OF SUMMIT**

**PROOF OF SERVICE OF NOTICES REQUIRED BY THE MUNICIPAL LAND USE LAW
MUST BE FILED WITH THE ADMINISTRATIVE OFFICES OF THE BOARD AND VERIFIED
AT LEAST TWO DAYS PRIOR TO THE DATE OF THE HEARING.**

STATE OF NEW JERSEY }

} ss

COUNTY OF UNION }

_____, of full age, being duly sworn according to law, deposes
and says that he/she/they reside(s) at _____ in the _____
of _____, County of _____, and he/she/they is (are) the applicant(s) in
a proceeding before the Zoning Board of Adjustment of Summit, New Jersey, said proceeding
being an appeal or an application under the Development Regulations Ordinance, and which
relates to premises known as _____ and that on
_____, 20___, gave written notice of the hearing on this application to each and all of
the persons upon whom service must be made, in the required form and according to the
attached list(s), and in the manner attached hereto.

Applicant's printed name

Applicant's signature

Sworn and subscribed before me

this _____ day of _____, 20___

Notary Public

E. Fees Required.

1. Residential Site Plan and Subdivision Fees.

| Application | Fee | Escrow Required |
|---------------------------|------------------------|---|
| Concept Plan | \$250 | 0-20 lots/units: \$100 per lot/unit; 21+ lots/units: \$2,000 + \$50 per lot/unit in excess of 20 |
| Minor Subdivision | \$500 | \$300 + \$200/lot |
| <u>Site Plans</u> | | |
| Preliminary | \$250 + \$250/lot | \$2,500 + 50/lot or dwelling unit |
| Final | 75% of preliminary fee | \$1,000 + \$50/lot or dwelling unit |
| <u>Major Subdivisions</u> | | |
| Preliminary | \$250 + \$250/lot | \$2,500 + 50/lot or dwelling unit |
| Final | 50% of preliminary fee | \$1,000 + \$50/lot or dwelling unit |

2. Commercial/Industrial Development Applications – Subdivisions.

| Application | Fee | Escrow Required |
|-------------------|------------------------|---------------------|
| Concept Plan | \$250 | \$1,000* |
| Minor Subdivision | \$250 + \$250/lot | \$1,000 + \$500/lot |
| Major Subdivision | \$250 + \$250/lot | \$2,500 + \$50/lot* |
| Final | 50% of preliminary fee | \$1,000 + \$50/lot* |

*If an application involves ten (10) or more acres, an additional \$100 will be assessed for each acre, or fraction thereof, in excess of 10 acres.

3. Commercial/Industrial Development Applications – Site Plans.

| Application | Fee | Escrow Required |
|--------------|---|--------------------------------|
| Concept Plan | \$250 | \$1,000 |
| Preliminary | \$250 + \$100/acre + \$100/10,000 sq. ft. of new building area | 200% of application fee |
| Final | 75% of preliminary fee | 100% of preliminary escrow fee |

35-6.1.

4. One and Two-Family Development Applications.

| Application | Fee | Escrow Required |
|---|-------|-----------------|
| One or two-family residences: bulk ('c') variances under N.J.S.A. 40:55D-70c | \$200 | \$800 |
| One or two-family residences: floor area ratio ('d'4) variances under N.J.S.A. 40:55D-70d | \$200 | \$800 |

5. Other Submissions.

| Application | Fee | Escrow Required |
|---|---------------------|-----------------|
| Conditional Use Approval | \$250 | \$750 |
| Appeals under N.J.S.A. 40:55D-70a | \$250 | \$500 |
| Interpretation or special questions under N.J.S.A. 40:55D-70b | \$250 | \$500 |
| Bulk variances under N.J.S.A. 40:55D-70c | \$500 | \$1,000 |
| Use variances under N.J.S.A. 40:55D-70d | \$1,000 | \$2,000 |
| Permits under N.J.S.A. 40:55D-34 and 36 | \$250 | \$250 |
| Modifications of previously submitted plans without changes to FAR | 50% of original fee | \$1,000 |
| All other modifications of previously approved plans | 50% of original fee | \$1,000 |
| Resubmittal of an application for preliminary or final major subdivision or site plan approval where applicant has submitted an application deemed incomplete | \$125 | None |
| Informal Technical Review Committee Meeting | \$250 | \$750 |
| Rezoning/Ordinance Amendment Request | \$750 | \$1,500 |
| List of persons within 200 ft. including area map | \$11 | None |
| Subdivision certificate of approval | \$10 | None |
| Certificate of non-compliance (Section 68 application) | \$50 | None |

6. Amended Submissions.

| Application | Fee | Escrow Required |
|--|---------------------------------|--|
| Revised or amended plans or submission in all categories | 50% of original application fee | An escrow amount no to exceed 50% of the original escrow requirement as determined by the designation agent of the board of jurisdiction |

7. If there is any reasonable doubt as to the likelihood of the intended use conforming to the performance standards, the Planning Board or Zoning Board of Adjustment shall request a deposit of one thousand dollars (\$1,000) to be submitted with the application, which will be used to defray the cost of the special reports required to process it.

| |
|--|
| CITY OF SUMMIT ZONING BOARD OF ADJUSTMENT 2021 MEETING SCHEDULE |
|--|

As approved by the Zoning Board of Adjustment
Annual Notice of Regular Meetings and Notice of Second Session Meetings
for the Zoning Board of Adjustment of the City of Summit

Regular and Second Session Meetings for the year 2021 shall be held via Zoom web based
platform in lieu of meeting at Summit City Hall at **7:30 p.m.**,
City Hall, Council Chambers, 512 Springfield Avenue, Summit
(All meetings on Mondays, except where noted)

Filing Deadline
for other than
Site Plans/Sub-
divisions (***)

| <u>Filing Deadline for other than Site Plans/Sub- divisions (***)</u> | <u>Publishing Date:</u> | <u>Regular Meeting¹:</u> | <u>Second Session (**):</u> |
|---|-------------------------|-------------------------------------|-----------------------------|
| November 20 | December 24 | January 8 | January 20 (Weds.) |
| December 18 | January 21 | February 1 | February 17 (Weds.) |
| January 15 | February 18 | March 1 | March 15 |
| February 19 | March 25 | April 5 | April 19 |
| March 19 | April 22 | May 3 | May 17 |
| April 23 | May 27 | June 7 | June 21 |
| May 21 | June 24 | July 7 (Weds) | July 19 |
| June 18 | July 22 | August 2 | August 16 |
| July 23 | August 26 | September 8 (Weds). | September 20 |
| August 20 | September 23 | October 4 | October 18 |
| September 17 | October 21 | November 1 | November 15 |
| October 22 | November 26 | December 6 | December 21 (Tues) |
| November 19 | December 23 | January 5, 2022 (Weds) | January 19 (Weds.), 2022 |
| December 18 | January 21, 2022 | February 7, 2022 | February 2 (Weds.), 2022 |

(*) Meeting to be held in the Janet Whitman Community Meeting Room on the 2nd Floor

(**) If necessary.

(***) Site plan and subdivision applications follow Technical Review Committee track

ROOM ASSIGNMENTS SUBJECT TO CHANGE

¹ Filing an application by the deadline shown does **not** guarantee a scheduled appearance at the regular or second session shown. Once an application is deemed complete, the first available hearing date will be assigned.