

**BERKELEY TOWNSHIP ZONING BOARD OF ADJUSTMENT APPLICATION**

**DATE SUBMITTED** \_\_\_\_\_

**APPLICANT'S NAME** \_\_\_\_\_

**MAILING ADDRESS** \_\_\_\_\_  
\_\_\_\_\_

**CONTACT PERSON** \_\_\_\_\_

**TELEPHONE#** \_\_\_\_\_ **FAX** \_\_\_\_\_

**PROJECT LOCATION** \_\_\_\_\_

**BLOCK(S)** \_\_\_\_\_ **LOT(S)** \_\_\_\_\_ **ZONE** \_\_\_\_\_

**# OF LOTS** \_\_\_\_\_

**ATTORNEY** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**ENGINEER** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**CONTRACTOR DOING WORK:**

\_\_\_\_\_

\_\_\_\_\_

**TYPE OF VARIANCE :**

**BULK**

\_\_\_\_\_

**USE** \_\_\_\_\_

**REMARKS:**

\_\_\_\_\_

\_\_\_\_\_

**BERKELEY TOWNSHIP**  
**ZONING BOARD OF ADJUSTMENT**  
**VARIANCE APPEAL INSTRUCTIONS**

PHONE: (732) 244-7400, ext. 249

Hours 8:30 - 4:00

**DENIAL # BOA** \_\_\_\_\_

**PUBLIC HEARING PROCESS**

1. The Zoning Board of Adjustment is hearing your application as a quasi-judicial body. At your hearing, you will be asked (under oath) to describe to the Board the development and/or changes you propose to make and, if applicable, why you are entitled to relief according to law. The burden of proof is upon you, the applicant, to establish the elements of your case. The Board will reach a determination on your case based upon the finding of fact and, the proofs according to law. The meeting will be opened to the public in order to accept questions or comments on your application.
2. You must appear in person and/or be represented by an Attorney at your public hearing(s). Any applicant, other than a corporation, may present their own matter without representation by an Attorney. However, applicants are cautioned that particularly with applications involving requests for use variances and conditional use permits, there are specific requirements imposed by the Laws of the State of New Jersey and you may wish to consider seeking adequate legal advice.
3. When your application has been fully considered, the Board will make a determination based upon testimonies from the applicant, professionals and witnesses plus reports and review by various departments and outside agencies having jurisdiction over the matter. The Board Attorney will then be asked to prepare a Resolution of approval or denial. This Resolution will be memorialized (become valid) at the following meeting. You do not need to be present at the memorialization. Once you receive the signed Resolution it is at that time you can proceed with project, starting with the Zoning Permit.

**APPLICATION PROCESS**

Due at the time of application are two checks. One check is a non-refundable application fee. The second check is an escrow fee. The fees due on your application should be noted on your Zoning Permit denial form. If the fees are not noted please contact the Board of Adjustment Secretary at 732-244-7400 x 249. The applicant is responsible for any and all fees that are charged that are above their initial ESCROW deposit. Section 35-16 "Procedure for Escrow Funds" reads in part, "No zoning permits, building permits, certificates of occupancy or any other types of permits may be issued with respect to any approved application for development until all bills for reimbursable services have been received by the municipality from professional personnel rendering services in connection with such application and payment has been made."

**\*\*\*\*THE FOLLOWING IS TO BE SUBMITTED TO THE BOARD SECRETARY IN ONE COMPLETE PACKAGE:**

1. **DENIAL** - Original DENIAL received from the Zoning Officer.
2. **PROPOSED NOTICE OF HEARING** – Attach a copy of the PROPOSED NOTICE to be published in an officially designated newspaper and to be mailed to the owners within 200 feet of the property requesting the variance. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. The Notice of Hearing must state the date, time and place of the hearing, the nature of the matters to be considered, and identification of the property by street address and block and lot numbers. Notice must also include the location and time at which any documents for which approval is sought are available for review in the Office of the Board of Adjustment. (Sample form attached). These notices are to be sent at least ten (10) days prior to hearing.

3. **APPEAL APPLICATION** – The information on this form is taken from the Zoning Denial. The section and paragraph of the appeal form is taken from the ordinance number indicated on the Zoning Denial.
4. **PROOF OF PROPERTY TAX PAYMENT** - The Tax Collector's Office can supply you with a form indicating the Taxes paid.
5. If you are a **CONTRACT PURCHASER**, a copy of the contract is required.
6. **SITE INSPECTION FORM** – must be signed in case a Board Member performs a site inspection of your property.
7. **CHECKLIST** – You must submit this checklist for review by the Engineer.
8. Under New Jersey State Law, if the applicant is a Corporation, you must be represented by an Attorney.
9. **RETIREMENT COMMUNITY APPLICANTS:** You must notify your Homeowner's Association of your proposed work. You must submit your Homeowner's Association Approval as part of your package. (The Board of Adjustment is the determining Board as to whether you may build or not, but the Homeowner's Association must be notified by you as per your deed rules and regulations and an approval letter must be submitted).
10. **TREE REMOVAL CERTIFICATION:** You must submit the enclosed form certification indicating the number of trees to be removed in conjunction with your Variance application. Also, your survey/plot plan must indicate the location of the trees to be removed. This form must be completed even if you are removing no trees.
11. **ARCHITECTURAL PLAN:** Applicant is requested to provide Architectural plans for the proposed Building including front, side and rear elevations and a floor plan for review by Board Members and Board Professionals.
12. **Fifteen (15) SURVEYS** – A current (within 2 yrs) original sealed survey must be submitted along with copies. A Plot Plan that is drawn to scale and indicate the structures with dimensions and distance to property indicated may be acceptable at the Zoning Officer and Board Engineer's discretion. If you make alterations to an engineer's signed plot plan, it must be signed by the owner and the signature must be notarized. If the application is made regarding a **CORNER PROPERTY** a sight triangle must be on the survey.
13. **Fifteen (15) AREA MAPS** - This map shows the properties within 200 feet of the property requesting the variance. (Received with the certified mail listing)
14. **Fifteen (15) NAME LISTS** - This is the Certified Mailing List received with the variance package. This list was prepared by the Tax Assessor's Office.
15. **APPROPRIATE FEE** as determined by the Administrative Officer.
16. Completed W-9 Form (to be submitted with fees)
17. Abutting Property Owners Proposals Form –if applicable

**TO BE SUBMITTED AFTER THE APPLICATION HAS BEEN DEEMED COMPLETE AND THE BOARD SECRETARY or ENGINEER HAS ASSIGNED A HEARING DATE.**

**18. NOTICE OF HEARING-** This is the Notice previously approved by the Board Secretary that has been given a meeting date. A copy of this Notice of Hearing must be published in newspaper and mailed to property owners within 200 feet of the subject property. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. The Notice of Hearing must state the date, time and place of the hearing, the nature of the matters to be considered, and identification of the property by street address and block and lot numbers. Notice must also include the location and time at which any documents for which approval is sought are available for review in the Office of the Board of Adjustment.

**19. CERTIFIED MAIL RECEIPTS** - The white receipts stamped by the Post Office. Please also include a copy of the Certified Mail List that was provided by the Township. (Green return receipts are not required, unless attached to the "Buy or Sell letters as explained in paragraph 17 of these instructions.)

**20. AFFIDAVIT OF PUBLICATION** - After publishing the Notice of Hearing in the newspaper (Observer or Asbury Park Press) they will mail you an Affidavit of Publication. This Affidavit must be included with the package. This notice is published one time and must be published no later than ten (10) days before the date of hearing.

**21. If you are appearing before the Board for a variance for SIDE YARD, LOT AREA OR FRONTRAGE you must contact the adjacent property owners by **CERTIFIED MAIL AND RETURNED RECEIPT REQUESTED** to ascertain whether they are willing to purchase all or a portion of your property or sell all or a portion of their property, as the case may be, to minimize or eliminate the necessity of obtaining a variance. Proof of mailing (Certified Receipt) must be submitted. If any adjacent property is owned by **BERKELEY TOWNSHIP** all correspondence must be mailed **CERTIFIED MAIL AND RETURNED RECEIPT REQUESTED** and addressed to the Business Administrator of Berkeley Township with copy to the Board Secretary, Patricia A. Osborne.**

**THIS IS AN IMPORTANT PART OF THE PROOF OF HARDSHIP FOR YOUR VARIANCE AND MUST BE PROPERLY SERVED WITHIN THE TIME LIMITS ACCORDING TO LAW.**

**PLEASE BE REMINDED:** Items 1-17 are to be submitted as a complete package to the Board Secretary. The variance application will not be set on the agenda until deemed complete. Once deemed complete and given a meeting date items 18-21 must be submitted to the Board Secretary no later than 5 (five) days prior to the meeting date. Failure to submit will result in a postponement of your hearing and you will be required to re-notice all parties.

Appointments can be scheduled to go over any of the above instructions by contacting the Board Secretary, Patricia A. Osborne at (732) 244-7400, extension 249.

**To All Applicants,**

The variance process starts with your receipt of these forms, but is not formally begun with the Township until you submit the application, ***IN IT'S ENTIRETY***, to the Board Secretary. Once you have submitted your application, it will be deemed complete or incomplete within forty-five (45) days. The Board Engineer will notify you of your hearing date. The applicant (owner of the property or contract purchaser) or their attorney shall appear before the Board of Adjustment to present proof in support of the application. In the event the applicant or attorney fails to appear at the time scheduled for the hearing, the application may be dismissed. If you cannot appear for set hearing, please contact the Secretary and ask for the hearing to be carried to another meeting. When there is no communication from the applicant, the application may be denied.

**If more than six months has passed since receiving your variance package, you must request and obtain a new Certified Mailing List. If you make notification from the old mailing list, you may be required to get a new hearing date and re-notify.**

### **35-15 REPLENISHMENT OF DEVELOPMENT APPLICATION FEES.**

Whenever the account established for the applicant's development review fees paid pursuant to this article has been depleted to twenty (20%) percent of the original development application fee amount, the Township Treasurer shall notify the applicant, and the applicant shall immediately upon notification replenish the account by depositing fifty (50%) percent of the original development application fee into an escrow account with the Township. No approving authority or its professional staff shall take any further action on the application, nor shall any plats be signed or construction commenced or completed until adequate additional fees have been deposited with the Township. Any application lacking sufficient funds to permit the Board to proceed shall be dismissed without prejudice. (Ord. No. 94-29 § 118-7.7; Ord. No. 07-02-OAB; Ord. No. 08-12-OAB § 10)

## APPEAL TO BERKELEY TOWNSHIP BOARD OF ADJUSTMENT

BOA#: \_\_\_\_\_

I (we) \_\_\_\_\_, of (address) \_\_\_\_\_, respectfully request that a determination be made by the Berkeley Township Board of Adjustment on the following Appeal, which is based on a decision by the Zoning Officer on (date) \_\_\_\_\_ Code Reference Number(s) \_\_\_\_\_.

This decision involves a request for a Variance relating to the \_\_\_\_\_ Provision of the Township Ordinance.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The premises affected is located at \_\_\_\_\_

Block # ('s) \_\_\_\_\_ Lot #('s) \_\_\_\_\_ in the \_\_\_\_\_ Zone District.

Previous applications or appeals which have been filed in connection with these premises are as follows: \_\_\_\_\_  
\_\_\_\_\_

The applicant is the \_\_\_\_\_ owner \_\_\_\_\_ contract purchaser, or \_\_\_\_\_ administrator.

The approximate cost of the work involved \$ \_\_\_\_\_

Explanation of the work to be performed on the property: \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_  
For the use of the Board of Adjustment Only

Date of Hearing \_\_\_\_\_

.....

Date: \_\_\_\_\_

### **SITE INSPECTION PERMISSION FORM**

I, \_\_\_\_\_ do hereby grant Permission for a Berkeley Township Zoning Board of Adjustment Member or Professional to access my property to perform a site inspection pertaining to  
Board of Adjustment Application #\_\_\_\_\_.

Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_

Location: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
Please print

#### **Mailing Address:**

Street: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Contact Phone Number:** (This should be the best number to get in touch with you)

Phone #: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Adjustment #: \_\_\_\_\_

### **TREE REMOVAL CERTIFICATION**

NAME: \_\_\_\_\_

SITE  
ADDRESS: \_\_\_\_\_

BLOCK \_\_\_\_\_  
LOT (S) \_\_\_\_\_

For application of variance with regard to the above property:

I, \_\_\_\_\_ do hereby certify that the following number of trees will be removed and that the location of these trees is accurately defined on the attached survey/plot plan submitted.

# of Trees: \_\_\_\_\_

No Trees to be removed: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_  
Please print

APPLICATION FOR PRELIMINARY MAJOR SITE PLAN APPROVAL

BERKELEY TOWNSHIP PLANNING BOARD

DATE \_\_\_\_\_

ORIGINAL \_\_\_\_\_ AMENDED \_\_\_\_\_ REAPPROVAL \_\_\_\_\_

APPLICANT \_\_\_\_\_

PROJECT \_\_\_\_\_

LOCATION \_\_\_\_\_

USE \_\_\_\_\_

BLOCK \_\_\_\_\_ LOT \_\_\_\_\_ ZONE \_\_\_\_\_

AREA (S.F.) \_\_\_\_\_ ACRES \_\_\_\_\_ UNITS \_\_\_\_\_

FEES PAID \_\_\_\_\_

ATTORNEY \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

ENGINEER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

NAME OF APPLICANT (OR AGENT) \_\_\_\_\_

ADDRESS \_\_\_\_\_

APPLICANT'S INTEREST IN SUBJECT PREMISES \_\_\_\_\_

DESCRIPTION OF PROJECT \_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF APPLICANT (OR AGENT) \_\_\_\_\_

**CHECKLIST L.D. 3**  
**BERKELEY TOWNSHIP**  
**PRELIMINARY PLAT MAJOR SITE PLAN APPLICATION CHECKLIST**

The following information must be submitted for the application to be deemed complete:

I. Site Plan showing the following:

Yes No N/A

A. Title Block:

\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_

1. Name of the project, if any.
2. Title of "Site Plan."
3. Tax map sheet, lot and block designation.
4. Date of original and all revisions.
5. Name(s), signature(s), address(es) and license number(s) of engineer and land surveyor who prepared the site plan.

B. General:

\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_

1. Standard Size Drawing (24" x 36" or 30" x 42").
2. Scale: Not less than 1" = 50'.
3. Bearings, distances of each property line.
4. Zone(s), Zone Requirements (Required and Provided) and area map showing zoning boundaries within 1,000 feet of tract.

Yes No N/A

\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_

5. Area of Tract.
6. Building area(s).
7. Name and address of owner and applicant.
8. Required parking and parking provided.
9. Owner's name, block and lot designation, and present use of all property within 200 feet.
10. Existing topography at one (1) foot contour intervals (min. two (2) foot contour intervals, where slopes exceed 5%) extending a minimum of 100 feet beyond tract boundary.
11. Proposed site grading with one (1) foot contours and sufficient spot grades in paved areas to determine and define flow direction.

Yes No N/A

\_\_\_\_-\_\_\_\_-\_\_\_\_  
\_\_\_\_-\_\_\_\_-\_\_\_\_

12. Existing Features:

- a. Existing on-site buildings and structures (with future disposition).

- b. Watercourses.
- c. Limits of wooded areas.
- d. Easements.
- e. Drainage system.
- f. Location of all driveways within 100 feet.
- g. Location of nearest fire hydrant.
- h. Location and use of existing structures within 100 feet of the site.
- i. Delineation of important physical features including swamps, bogs, ponds and wetlands areas on-site and within 200 feet of the tract boundary.
- j. Existing streets, water-courses, flood plains, flood-ways and flood areas on-site and within 200 feet of the boundaries thereof, both the width of the paving and the width of the right-of-way of each street, existing public easements and Township borders within 150 feet of the site.

- 13. North arrow and graphic scale.
- 14. Copy of any covenants or deed restrictions.
- 15. All proposed uses and structures with setbacks from property lines.
- 16. Location of existing and proposed signs, outdoor lighting, fencing and buffer areas.

Yes   No N/A

- 17. Typical construction details and/or cross-sections for curb, sidewalk, pavement, manholes, inlets, headwalls, etc.
- 18. Detailed utility layouts showing methods of connection and sources of service.
- 19. Design details and dimensions of fences, walls, signs, lighting and other similar facilities.
- 20. Existing and proposed storm drainage facilities including plans and profiles, invert elevations, and drainage area map and calculations to substantiate adequacy of proposed storm drainage. Drainage area to each inlet shall be shown. The plan shall be accompanied by an off-site drainage plan.
- 21. Specifics of site ingress and egress (i.e. curb radii, curb opening, lane widths, existing driveways within 100 feet of site, etc.).
- 22. Key Map naming streets within 500 feet of the site.
- 23. Entire parcel shall be shown.
- 24. Space for signature of Chairman, Secretary and Board Engineer.

Yes No N/A

25. Written description of proposed operations.
26. Fire zones and signage.
27. Date of outbound survey and name of Land Surveyor.
28. Signed and sealed by New Jersey Licensed Engineer and Land Surveyor (if applicable).
29. Sectionalization Plan, if applicable.
30. Proposed sight triangles.
31. Proposed traffic control signage and pavement markings.
32. Soil borings (to a minimum depth of 10 feet) and hydraulic conductivity tests for all stormwater basins/trenches wells.
33. Compliance with Berkeley Township Code Chapter XXXV, Articles VII through X.

**C. Commercial and Industrial Site Plans:**

1. Off-street parking layout (dimensions of aisles, parking spaces, loading areas, fire lanes, traffic lanes, etc.) and in compliance with the requirements of the Zoning Ordinance.
2. Direction of internal traffic flow.
3. Lighting and Landscaping Plan.
4. Storage areas (refuse, equipment, materials).
5. Soil borings - soil logs to a minimum depth of 20 feet (depth to ground water, ground elevation).

Yes No N/A

**D. Multi-Family Housing:**

1. Off-street parking layout (dimensions of aisles parking spaces, loading areas, fire lanes, traffic lanes, etc.).
2. Lighting and Landscaping Plan.
3. Recreation areas - other public areas.
4. Refuse storage and pick-up, recycling areas.
5. Soil borings - soil logs to a minimum depth of 20 feet (depth to ground water, ground elevation).
6. Compliance with applicable detail requirements of Zoning Ordinance pertaining to multi-family housing.

#### E. Building Alterations:

1. Off-street parking layout.
2. New setback dimensions.
3. Proposed landscaping.

## **II. Administrative Requirements**

Yes No N/A

1. Proper Application Fee (submit calculations).
2. Proof of payment of property taxes for the current quarter.
3. Required number of prints submitted.
4. Application fees reflect any variance or design waiver requests.
5. Preliminary architectural elevations and floor plans.
6. Written description of proposed activities.
7. Submission of an Environmental Impact Statement.
8. Submission of a Traffic Impact Statement.
9. For application for preliminary approval, the plans shall be accompanied by proof of submission in proper form to the following regulatory agencies, as applicable:
  - a. Ocean County Planning Board.
  - b. Ocean County Soil Conservation District.
  - c. Ocean County and Berkeley Boards of Health.

Yes  No  N/A

- d. Berkeley Sewerage Authority, proof of approval.
- e. N.J. Department of Environmental Protection for CAFRA Permit, Wetlands Permit, Stream Encroachment Permit, Sewer Extension Permit, Flood Plain Approval and/or Waterfront Development Permit.
- f. N.J. Department of Transportation for access driveways, utility openings, occupancy and/or drainage permits.
- g. Berkeley Township Water Utility (MUA).
- h. Any other required permits/approvals.
- i. Application for tree removal permit, where required.

10. Evidence of a Comprehensive General Liability Insurance Plan.