

LIBERTY TOWNSHIP LAND USE BOARD

INSTRUCTIONS FOR APPLICATION

PLEASE BE AWARE THAT WE STRONGLY RECOMMEND THAT YOU APPLY TO THE HIGHLAND COUNCIL BEFORE COMING TO THIS BOARD

APPLICATION:

The applicant must submit his/her formal written application to the Board on forms provided by the Board Secretary. Applications must be submitted 21 days prior to a regularly scheduled meeting date to be considered. Aside from the Highlands Council application needs to be made to Warren County Planning Board, NJDEP, NJDOT and any other entity that may be affected by this application.

FEES:

Fees must be submitted at the time of application pursuant to the attached fee schedule. Please provide separate checks for the application and the review fee payable to "Liberty Township".

SCHEDULING:

Upon receipt of an application this department will review it for completeness in accordance with the checklist and NJSA 40:55D-3. In the event the application is found to be incomplete, the applicant will be notified within 45 days of the filing date of such application. Such notification will be in writing and shall set forth the reasons that the application was found to be incomplete. If the application is found to be complete, the administrative officer shall notify the applicant and assign a hearing date.

The Land Use Board meets on the 3rd Tuesday of each month at 7:30 p.m.

***LEGAL NOTICE:
(if applicable)***

The Municipal Land Use Law requires that at least ten (10) days prior to your public hearing, proper notice be published in the Star Gazette of Hackettstown or the Courier News (daily paper). Proof of publication must be submitted 3 days before the hearing.

***NOTICE TO
PROPERTY
OWNERS:
(if applicable)***

The MLUL also requires that you notice all property owners within 200 feet of your property of the public hearing. You must obtain a certified list of property owners prepared by the Township's Tax Assessor. The charge for this list is \$10. It may take as long as seven (7) days to receive the list from the assessors' office. A sample Notice of Hearing form is included in this packet. Property owners must receive notice of the hearing at least 10 days prior to the scheduled hearing date.

***AFFIDAVIT:
(if applicable)***

The enclosed affidavit of service must be completed, notarized and attached to the enclosed form "list of property owners to be served" indicating that you have served notice by personal service or by certified mail. For certified mail delivery, you must submit the dated certified mail receipts (the white copy stamped by the post office) at least three (3) days before the hearing. *Notices to property owners must*

be served at least 10 days prior to the hearing date and must contain all the information required by the Statute.

APPLICATION:

Please obtain the appropriate checklist. All requested information must be submitted to the Board Administrator as per the time limits stated. They must be assembled into separate packets so each Board member has a copy of each document.

**PUBLIC
HEARING:
(if applicable)**

The applicant should be prepared to provide the following information during the hearing:

- 1) Dimensions of all existing and proposed structures on the subject property and the existing and proposed impervious coverage.
- 2) Setbacks (front, side and rear) of all existing and proposed structures on the subject property.
- 3) Approximate setbacks of homes on neighboring lots. Be prepared to identify the name of the property owners as well as the block and lot number.
- 4) Is there any other location on the property that would support the proposed addition that would not require a variance? Explain why other alternatives would not be feasible due to the topography of the site, trees, rock formations, location of well and septic, etc.
- 5) Using the floor plans, identify all existing and proposed rooms and the use of each room or living space.
- 6) Is it possible to build upwards instead of outwards?
7. Provide photographs if they will be helpful in proving your case.
8. Do the benefits of granting the variance requested outweigh the detriments or negative impacts that might occur by granting the variance?

EXCESSIVE ADJOURNMENTS: If the applicant should seek “excessive adjournments” then that fact may trigger the “implied consent” referred to in the Star Enterprises case, the effect of which would be to extend the time within which the Board could act.

**VARIANCE
APPROVAL:
(if applicable)**

Any variance granted by the Board shall expire by limitation unless construction or alteration is actually commenced on every structure permitted by the variance within one year (1) from the date of the passage of the resolution.

Whenever any application is approved subject to specified conditions, the conditional approval shall lapse and become null and void unless all

specified conditions are fulfilled within 90 days of the date of conditional approval.

NOTE: Members of the public have 45 days to file an appeal of a decision of this Board. Therefore, if construction is commenced during this time period and a appeal is filed, you may be required to dismantle same.

RESOLUTION:

At the conclusion of the testimony, a Board member will make a motion to either grant or deny the application and to authorize the Board Attorney to prepare a resolution setting forth the findings of fact and conclusions of law. This draft resolution, which must be acted on within 45 days, is generally voted on and adopted by the Board. The adopted resolution is submitted to the Zoning Official and Construction Official by the Board Secretary and you are now eligible to apply for your building permit and proceed with your project. A copy of the resolution will be sent to you by regular mail and the Board Secretary will arrange for proper noticing as per the MLUL.

TAX MAP FILING FEES: Article 72-27A – Payment of these fees will be a condition of the Resolution. The form and the fee schedule are included in your packet.

As stated above you have 90 days to meet the conditions of the resolution. When you have done so a “**Compliance Packet**” must be submitted to the Board Secretary with all the necessary documentation to support your compliance with the conditions of the resolution.

DEEDS & PLANS:

After your application has been approved, you must submit your deeds to this office for approval by the Board engineer. Upon approval, the Board chair and secretary will sign the deeds and plans. You will submit your deeds for filing to Warren County. This process must be completed within 190 days of the approval of the resolution.

ESCROW ACCOUNT:

Any vouchers submitted by the Board’s professionals incurred during the review of the application will be deducted from the escrow deposit (review fee) you submitted with your application. If the vouchers exceed the deposit, you will be required to deposit additional funds. If there is a balance remaining after all the vouchers have been submitted, you will receive a refund after compliance with the resolution (“**Compliance Packet**”) has been approved. This process can take up to three (3) months from the time of your approval since the refund request must be approved by the Board and the Township Committee prior to being received by the Finance Department. All fees and deposits to be paid by certified check. Any deposits of \$5,000.00 or more shall be accompanied by a tax identification number certification on the form approved by the township treasurer.

ADMINISTRATOR

The Land Use Administrator, Kathy Dossena, is available by

***/BOARD
SECRETARY:***

appointment.

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