

The Township of Moorestown

Department of Community Development
111 West Second St • Moorestown • New Jersey 08057
(856) 235-0912
www.moorestown.nj.us



ZONING BOARD OF ADJUSTMENT PACKET

IF THIS APPLICATION SHOULD REQUIRE SITE PLAN OR SUBDIVISION APPROVAL, PLEASE ASK FOR THE APPROPRIATE CHECKLIST(S) REQUIRED.

INSTRUCTIONS ON BOARD APPLICATION SUBMITTAL

- All applications must now be submitted electronically (**Via email or CD – no thumbs drives accepted**) in addition to the required paper as per Board Application Checklist.
- No changes or alterations to the submissions shall occur after the 10-day deadline as stated in the MLUL. **NO exceptions to this will be allowed.**
- All of the documents submitted electronically and in paper form must be dated/labeled and in sequential order and **only** those documents shall be used at the hearing.
- Applicants must submit a list of exhibits and the names, qualifications of your witness list for those testifying at the hearing listing all professional licensing and or accreditation, relevant to the hearing.

The Zoning Board Secretary is available to explain the procedures, as well as answer any questions. Our office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m.

Township of Moorestown
Department of Community Development
111 West Second Street
Moorestown, NJ 08057
Patricia Muscella - (856) 914-3022

E-Mail: pmuscella@moorestown.nj.us

MOORESTOWN ZONING BOARD OF ADJUSTMENT

HEARING PROCEDURES

1. Applicant presents their case. Each witness for the applicant is sworn in the order in which they will testify. After each witness testifies, they are questioned by Zoning Board of Adjustment members and/or the Board's attorney.
2. After all of the applicant's witnesses have testified, the public may present its case:
 - A. The public may present its case in the same fashion as the applicant, having either an attorney or a spokesperson acting as the leader and presenting sworn witnesses in an organized fashion; or
 - B. In the absence of any organization by the public, each member of the public is welcome to make sworn statements (give testimony) regarding the case at hand.
3. In either event, witnesses from the public are sworn in and make statements (give testimony). After each witness testifies, they may be questioned by the applicant or their attorney, and by members of the Board and/or the Board's attorney.
4. Following the conclusion of the hearing, and any deliberation deemed necessary by the Board, the Board may immediately vote on the matter, or, if time limits permit, reserve decision until the following meeting. All votes are taken in public as required by law.
5. The Board's decision must be reduced to writing and must contain the Board's findings of fact and conclusions of law. Generally, a resolution is adopted by the Board containing findings of fact and conclusions of law in support of its decision at the next regular monthly meeting and a copy is mailed to the applicant within 10 days thereafter.

GENERAL DISCUSSION OF VARIANCE REQUIREMENTS

The Zoning Board of Adjustment is a quasi-judicial body created and empowered by state law to hear requests from applicants for relief from the municipal zoning ordinance provisions applicable to their property. The vast majority of zoning applications can be divided up into two categories. One category covers the situation whereby the applicant intends to use his land in a manner, which is permitted, in the zoning district where his property is located, but the applicant needs relief from the dimensional requirements applicable in that zoning district. This category of application is known as either a “bulk” or a “c” variance. It commonly arises when an applicant wants to erect a structure within the required front, rear or side yard setback areas that are required in the applicant’s zoning district. It also arises when there is to be any additional construction on a lot that is smaller than the zoning ordinance requires and when a structure is to be erected that would exceed the maximum lot coverage requirements.

In order for the Board of Adjustment to excuse the applicant from complying with the applicable dimensional requirements that otherwise apply to everyone else in the zoning district, the applicant must convince the Board by a sworn factual presentation that he or she qualifies for the right to be excepted from the strict compliance with the ordinance requirements. The right to be excused from compliance with the exact terms of the zoning ordinance is called a variance. The applicant is obligated to produce evidence before the Board to satisfy the Board that a variance should be granted. This obligation is called the applicant’s burden of proof. It is not the Board’s responsibility to produce evidence to support the relief applicant seeks. It is the applicant’s responsibility to produce the proof needed to satisfy the requirements for a variance that are imposed by the law.

What are the legal requirements imposed by the law? They can be found in the New Jersey Statutes under N.J.S.A. 40:55D-70. A copy of this statute is annexed. The requirements applicable to a “bulk” or “c” variance are found at subparagraph “c” there under. Generally, there are two types of proof from the applicant. The first type generally relates to the physical features of the property or the structures on it. In these cases, it is the applicant’s responsibility to prove to the Board why his property (not himself or his family personally) is under a hardship if it must be developed in compliance with the dimensional zoning requirements applicable to all other properties in the district. The focus must be on what it is about the physical characteristics of his property that would make it impractical or would pose peculiar and exceptional practical difficulties relating to the property if the applicant were required to conform to the dimensional requirements applicable to the district. The second type of “c” variance requires proof that what the applicant proposes which requires relief from the applicable dimensional regulations is something that would advance the purposes of the Municipal Land Use Law as expressed in N.J.S.A. 40:55D-2 annexed hereto. If the applicant can demonstrate that and prove further that the benefits that would be created if the variance were granted would substantially outweigh any detriment flowing, there from then applicant will have taken a major step in proving his or her right to a variance*.

In both types of “bulk” or “c” variances the applicant must also prove that the relief from the zoning ordinance that is requested can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

If the applicant can carry his or her burden of proof by satisfying the Board that the above criteria are met, then he or she is entitled to a variance upon the Board’s majority vote in favor of the relief sought.

**** It should be noted that in “bulk” or “c” variance cases as well as “d” variances explained hereafter that it is essential that applicant accurately describe his property and what borders it. An accurate survey reflecting the distances from the existing and proposed improvements to the surrounding lot lines is essential. Photographs of the area involved are also of great assistance to the Board.***

The second category of variance the Board has the power to hear is the “use” or “d” variance. This is a variance that an applicant seeks because the manner in which the applicant proposes to use the property is not permitted by the zoning regulations that apply to the district where the property is located. This type of variance is harder to get than a “bulk” or “c” variance because it required 5 affirmative votes from the Board. An applicant must prove to the Board’s satisfaction that special reasons exist to permit the applicant to use or erect a principal structure in a district where such use or structure is not permitted or to permit the applicant to expand a non-conforming use (a non-conforming use is one that the zoning ordinance permitted when the use began but the ordinance has since been modified and no longer permits the use). The special reasons that must be proved are not defined in the statutory law and are only loosely described in the case law. It is sufficient to say that special reasons are those that promote the general purposes of the zoning law. These general purposes are expressed at N.J.S.A. 40:55D-2. A hardship imposed on an applicant if his property cannot be practically utilized in

the manner for which it is zoned can qualify as a special reason. Aesthetic improvements under certain circumstances can also be a special reason. If the general welfare is benefited by the proposed use, then that can be a special reason if the applicant's land is uniquely suited for the proposed use. If the applicant is proposing a use inherently beneficial to the general welfare (i.e. hospitals, schools, seeing eye dog facilities, etc.) that also can qualify as a special reason and in such instance the applicant does not have to prove that the property is uniquely suited to the proposed use.

The aforementioned situations are some examples of what can constitute a special reason and are not meant to be all-inclusive.

In addition to the above, an applicant seeking a "use" or "d" variance that is not in the inherently beneficial use category must also satisfy an additional requirement. The applicant must demonstrate and reconcile why the use that the applicant seeks a variance for has been omitted from the uses that are permitted in the zoning district where the applicant's property is located. This extra burden of proof must be shown in such a manner as to enable the Board to reach clear and specific findings that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

Finally, as in the "bulk" or "c" variance cases, an applicant for a "use" or "d" variance must also prove that the requested relief from the zoning ordinance can be granted without substantial detriment to the public good and without substantial detriment to the intent and purpose of the zone plan and zoning ordinance.

Use variances are not favored in the law because they are inconsistent with the zoning plan established by the ordinance. The requirement of 5 affirmative votes (as opposed to the majority vote requirements for a "bulk" or "c" variance) is evidence of this. For this reason, it is strongly recommended that applicants for use variances retain a lawyer to guide them in the presentation of their proofs. Expert testimony to reconcile the contrast between the proposed use and its omission from permitted uses in the zoning ordinance is also highly recommended.

The above synopsis is intended as a general discussion of the legal factors applicable to the variances for which applications are most commonly submitted. Appeals from administrative errors, questions or interpretations of the zoning ordinances, variances from conditional use requirements and increases in floor area ratio, permission to build on a lot not abutting a street, are matters not covered herein. These types of relief come up less frequently and are beyond the scope of this synopsis, which is meant to be a general instructional guide for applicants.

Please remember the officials in the zoning office will explain to you the requirements applicable to your zoning application as much as they can. They cannot, however, act as your attorney or counselor and tell you what to do or say when you present the case to the Board. The responsibility to present your application is yours. If assistance is needed, legal counsel should be consulted.

Finally, I would note that New Jersey law requires that any corporate applicant must be represented by legal counsel licensed to practice in the State of New Jersey. Further, no one other than licensed New Jersey counsel may appear before the Board to represent the rights of another. This does not mean that your architect, engineer, contractor, realtor or any other person is prohibited from appearing as a witness and presenting the facts of your case. This is often done and is perfectly acceptable. It does mean that said individual couldn't represent you and make decisions on your behalf before the Board.

PROCEDURES FOR FILING AN APPLICATION

The Zoning Board of Adjustment meets on the third Tuesday of each month at 7:00 p.m. in the Council Chambers at Town Hall, 111 West Second Street, Moorestown NJ 08057. **The applicant must be present at the meeting that their application will be heard.** Please note that if the applicant is a corporation, a NJ licensed attorney must represent them.

A determination of completeness should be made before the application can be scheduled for public hearing. This packet will outline all of the necessary items and/or steps required to file a variance application. Please be sure to read through this carefully and direct any questions or concerns to our Zoning Department. Extra forms, agendas and minutes are available online at http://www.moorestown.nj.us/council_committees_boards/zoning_board

The following items must be submitted at least six (6) weeks prior to the Zoning Board of Adjustment Hearing:

1. Land Development Application – 5 copies.
2. Administrative Summary of Variances, Waivers and Design Exceptions – 6 copies.
3. Survey, Elevations, and/or Drawings – **5 Full Size Sets, 3 Reduced (11x17) (Additional sets may be requested),**
4. Fees: Filing, Escrow and List of Property Owners – Escrow fee must be on a separate check.
5. Escrow Agreement – 1 copy
6. Building and Lot Coverage Worksheet – 5 copies.
7. W-9 Form – 1 copy
8. Owner's Consent (*if applicable*) - on the Land Development Application
9. Proof of Taxes Paid
10. All applications must be submitted electronically (**Via email or CD – no thumbs drives accepted**) in addition to the required paper as per Board Application Checklist.

After the items above are received, the submittals will be reviewed for completeness and the 200' List of Property Owners will be mailed. Upon a complete application, the applicant or attorney will receive the notification of a hearing date. Once a hearing date is received, the applicant or attorney shall serve the required notices as required by N.J.S.A. 40:55D-12.

Once the notification is served, please submit the following items prior to the hearing:

9. Affidavit of Publication
 10. Proof of Service (C.M. receipts and/or original signatures)
 11. Copy of the letter sent to neighbors
 12. Affidavit of Service
-

The following is a description of each process.

1. **FIVE COPIES OF THE LAND DEVELOPMENT APPLICATION:**

When filling out the application, please be sure to include the name, address and phone number of the applicant, owner (if different from applicant), and attorney (if applicable), as well as the information of the subject property. If you would like to attach any additional photos, drawings, etc., please be sure to list them on Item #11 of the application form.

2. **ADMINISTRATIVE SUMMARY OF VARIANCES, WAIVERS AND DESIGN EXCEPTIONS:**

If you are requesting multiple variances, waivers and/or design exceptions, please provide a completed form for each that is requested.

3. **FIVE COPIES OF SURVEY, ELEVATIONS, AND/OR DRAWINGS:**

Please be sure to submit a current survey showing the existing property conditions with the location and proposed setbacks of the proposed project. Drawings can be done professionally or by rough sketches. Please include all dimensions and elevations. If applying for a variance for a fence, please be sure to include the type, style and height of the proposed fence. If you wish, you may submit any other material or pictures that you feel may be important to your file, please submit six copies.

4. **FEES: FILING, ESCROW AND LIST OF PROPERTY OWNERS**

(Article XXVI, Section 180-105 of the Moorestown Township Ordinance)

The required fees for filing for a variance are listed below.

*****Please be sure to submit the Application Fee & Escrow Fee on separate checks.***

Land Development Application Fee Schedule

Chapter 158, Article II, Section 158-14 and Chapter 180, Article XXVI, Section 180-105

<u>APPLICATION TYPE</u>	<u>APPLICATION FEES</u>	<u>ESCROW FEES</u>
Site Plan Preliminary	\$300 plus \$25 per acre or fraction thereof	\$3000 plus \$50 per residential unit; \$5000 minimum; and \$3000 plus \$.25 per gross square foot of building area for non-residential buildings; \$5000 minimum.
Site Plan Final	\$300 plus \$25 per acre or fraction thereof	\$3000 plus \$50 per residential unit; \$5000 minimum; and \$3000 plus \$.25 per gross square foot of building area for non-residential buildings; \$5000 minimum.
Minor Subdivision	\$250	\$1,700 per lot; \$5000 minimum
Major Subdivision Preliminary	\$450	\$5,000 plus \$100 per lot
Major Subdivision Final	\$450	\$5000 plus \$50 per lot
Minor Site Plan	\$250	\$5,000
Conditional Use	\$200	\$1,200 when not involved with a Site Plan or Subdivision
Site Plan Waiver	\$110	\$1,000
'A' Variance (Appeal of Zoning Officer)	\$350	\$600
'B' Variance (Interpretation of Zoning Map or Ordinance)	\$350	\$600
'C' Variance (Residential)	\$150	\$600
'C' Variance (Non-Residential)	\$150	\$600 (for each variance requested)
'D' Variance	\$350	\$2,500
Informal Conceptual Review	N/A	\$1500
Sewer Connection	\$110	\$1000
Septic Standards	\$250	

Fire Prevention (paid by check directly to: Bureau of Fire Prevention)	\$75	
Grading Plan Review	\$550	
Certified Property Owner List: There is a \$10.00 fee for the production of a certified list of property owners within 200' of a property.		
Escrow monies must be separate payment from application fees.		

Chapter 180, Article XXVI, Section 180-105, Paragraph C states the following:

...The amounts specified for escrow are estimates.....all costs incurred shall be reimbursed by the applicant whether the application is approved or denied.

5. ESCROW AGREEMENT:

This is required for the escrow account. It shall be filled out completely by the applicant or the applicant's attorney. Only the original form is required; please do not submit multiple copies.

6. W-9 FORM*:

Only one copy is required to be submitted.

*Note: The W-9 is not part of the public file.

7. OWNER'S CONSENT (if applicable):

If the applicant is not the owner, then a notarized signature of the owner shall be located on Page 4 of the Land Development Application.

Once the first seven applicable items are submitted, the application will be given a hearing date and notification of the application shall be served.

8. AFFIDAVIT OF PUBLICATION:

Once a hearing date is scheduled, a Legal Notice must be published in the Burlington County Times announcing the Public Hearing. **IT MUST APPEAR NO LESS THAN TEN (10) CALENDAR DAYS PRIOR TO THE HEARING.** Failure to do so may result in a delay of the applicant's public hearing date. After publication, the Burlington County Times will supply an Affidavit of Publication. This proof of publication must be delivered to our office prior to the hearing.

Burlington County Times (NJ)
 Legal Ad Section
 One Oxford Valley
 2300 East Lincoln Highway, Suite 500D
 215-949-4112
 Langhorne, Pennsylvania 19047
legals@thebct.com

legals@thebct.com In subject line, please indicate the newspaper, **BURLINGTON COUNTY TIMES** and publication date(s) of the ad.

**Below is a sample notice, which will be needed for the next two procedures
(NEWSPAPER PUBLICATION AND NOTICE TO PROPERTY OWNERS)**

**NOTICE OF PUBLIC HEARING
MOORESTOWN TOWNSHIP ZONING BOARD**

PLEASE TAKE NOTICE that in accordance with the requirements of the Moorestown Township Ordinances and New Jersey Municipal Land Use Law N.J.S.A. 40:55D-12, you are hereby notified that the undersigned _____, has applied to the Moorestown Township Zoning Board for _____ at the property located at _____, Block _____ Lot _____ on the tax maps of the Township of Moorestown.

PLEASE TAKE FURTHER NOTICE that the Applicant is requesting the following variances: _____.

The Applicant is also requesting any other variances, waivers, additional exceptions, sign variances, design waivers, de minimis exceptions, modifications of conditions of prior approvals, continuation of any preexisting non-conforming conditions, other approvals reflected on the plans (as same may be further amended or revised from time to time without further notice) as may be determined to be necessary during the review and processing of the Application by the Board and its professional staff, and permits requested or required by the Zoning Board at the public hearing.

PLEASE TAKE FURTHER NOTICE that a public hearing on the Application has been scheduled to be heard before the Zoning Board on _____ at 7:00 p.m. in the Council Chambers in Town Hall, 111 West Second Street, Moorestown, New Jersey 08057. If you are unable to attend the meeting virtually, you can email questions or comments prior to the meeting (no later than 4pm the day of the meeting), to ZBAcomments@moorestown.nj.us. Please type "Zoning Board Meeting Comments" and the meeting date in the subject line.

Copies of all Applications, plans and supporting documents are on file and available for public inspection at least ten (10) days prior to the public hearing on the Township of Moorestown's website at <https://www.moorestown.nj.us/129/Agendas-Minutes>. Any member of the public who wishes to inspect the Applications, plans and supporting documents, but does not have access, or cannot access, the Township's website, may contact the Board Secretary, Patricia Muscella to make an appointment to review the Application at the Department of Community Development, Township of Moorestown, 111 West Second Street, Moorestown, NJ between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday.

Any questions regarding the Application or the public hearing on the Application, including, without limitation, questions pertaining to participation in the public hearing, need for special accommodations, or registering objections ahead of the public hearing, may contact the Board Secretary, Patricia Muscella by phone at (856) 914-3022 or by email to pmuscella@moorestown.nj.us.

Please be sure to fill in the blanks with the proper information***

9. **PROOF OF SERVICE (C.M. receipts and/or original signatures):**

All owners of property within 200' must be notified of the public hearing at least ten (10) calendar days prior to the hearing. **A public hearing date must be scheduled before the notices are sent.** Once you receive the list of property owners within 200' and are advised of a public hearing date, you can begin notice. Notice shall be done by certified mail, personal service, or both. Proof of notification to the property owners must be provided to this office either by certified mail receipts or original signatures, with dates, of the property owners. **These notices must be completed at least ten (10) calendar days prior to the public hearing to meet the legal requirements.** Failure to do so may result in a delay of the applicant's public hearing date.

--CERTIFIED MAIL

If notice is done by certified mail, please provide the original, white certified mail receipts with the date stamped from the post office. Only the original certified mail receipts with the post office stamp are required. If you wish to send it by "Return Receipt Requested" you may do so, but it is not a requirement.

--PERSONAL SERVICE

Personal service is done by handing the neighbor the notice and having the neighbor sign and date that they received it. The signature and date can be placed on the 200' list that we provide for you. If not, please be sure that the property owner prints his/her name next to the signature.

PLEASE NOTE: The signature must be from the property owner; if the property owner is not living at the address, or frequently away from home, you may want to send the letter certified mail to assure that the notice is served ten (10) calendar days prior to the hearing.

Once the notices are completed, please provide our office with the original dated signatures and/or the original certified mail receipts for every owner listed on the 200' list.

10. **COPY OF THE LETTER SENT TO THE NEIGHBORS**

One copy of the sent notice shall be provided to our office prior to the hearing.

11. **AFFIDAVIT OF SERVICE**

Attached is an Affidavit of Service. **After** completion of the notices, this is to be filled out, signed by the person(s) who served the notices, and notarized. Please be sure to include the date(s) that notices were served. If a notary is needed, we can provide one for you here at the Municipal Building. The Affidavit of Service shall be brought back to our office prior to the hearing.

FOLLOWING THE HEARING

NOTICE OF DECISION (AFFIDAVIT OF PUBLICATION):

A resolution stating the decision will be adopted at the following month's meeting. Once the resolution is adopted, we will send a copy of the resolution to the applicant. The applicant is then required to notice the newspaper as to the Board's decision. A sample of the Notice of Decision is listed below. The notice of decision must be published in the Burlington County Times. An appeal of the decision shall expire forty-five (45) days following the date of the publication of decision. Therefore, if the decision is not published, the time for appeals can go indefinitely. The Burlington County Times will then send an Affidavit of Publication to you. Please provide this to our office to complete the variance file.

Below is a sample notice, which will be needed for the publication of resolution

NOTICE OF DECISION

PUBLIC NOTICE is hereby given to all persons that on the ____ day of _____, 20____, the Moorestown Township Zoning Board of Adjustment, in the Burlington County Times, (*approved/denied*) a (*type of application*) for (*Nature of the matter for which variance relief was requested.*). The property is located (*address*) _____, Block _____, Lot _____. This file is known in the records of the Zoning Board of Adjustment as Docket #_____. This application is on file and available for public inspection during normal business hours in the Municipal Building, The Township of Moorestown, 111 West Second Street, Moorestown, New Jersey 08057.

Please be sure to fill in the blanks with the proper information***

MISCELLANEOUS INFORMATION:

- All of the Zoning Board's meetings are open to the public so please feel free to stop by a meeting to observe how the hearing are conducted.
- Our ordinance, agendas and minutes can be accessed online at www.moorestown.nj.us. Please use this only as a *basic* reference. If you would like to confirm if, or have any questions regarding same, please contact the Zoning Board Secretary.
- You may request an appointment with the Zoning Board Secretary to review procedures or to answer questions pertaining to a zoning variance application.
- Do not hesitate to contact our office with any questions or concerns that you may have.

Township of Moorestown

Department of Community Development

111 West Second St., Moorestown, New Jersey 08057

Phone: 856-235-0912 Fax: 856-914-3081 www.moorestown.nj.us

ZONING BOARD OF ADJUSTMENT NO.: _____ DATE RECD.: _____

ESCROW ACCOUNT NO.: _____

APPLICATION FOR LAND DEVELOPMENT

SITE ADDRESS: _____

BLOCK/LOT: _____ ZONE(S): _____

PLEASE CHECK ALL THAT ARE REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> Minor Site Plan* | <input type="checkbox"/> (A) Appeal of Zoning Officer |
| <input type="checkbox"/> Preliminary Site Plan* | <input type="checkbox"/> (B) Interpretation |
| <input type="checkbox"/> Final Site Plan* | <input type="checkbox"/> (C) Bulk Variance |
| <input type="checkbox"/> Minor Subdivision* | <input type="checkbox"/> (D) Use Variance |
| <input type="checkbox"/> Preliminary Major Subdivision* | <input type="checkbox"/> Design Exception |
| <input type="checkbox"/> Final Major Subdivision* | <input type="checkbox"/> Submission Waiver |
| <input type="checkbox"/> Conditional Use* | <input type="checkbox"/> Extension of Approval |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Amendment/Revision to Approval: _____ |

***Required Check Lists for submission are not included with this form.**

1. Applicant's Name: _____
Address: _____
Phone: _____ Fax: _____ E-Mail: _____

Status of Applicant: Individual Partnership* Corporation*

***Must be represented by an Attorney.**

Names and Addresses of all stockholders or individual partners owning at least 10% of stock or interest per N.J.S.A. 40:55D-48.1 through 48.4. (Attach a separate sheet if necessary.)

If owner is different than the applicant, a notarized signature of the owner shall be provided on page 6.

Are you a covered person under Daniel's Law? Yes No

2. Owner's Name: _____
Address: _____
Phone: _____ Fax: _____ E-Mail: _____

Contact Information (if owner is not an individual):

Contact/Title: _____
Phone: _____ Fax: _____ E-Mail: _____

7. **NON-RESIDENTIAL ONLY** Existing Conditions (*fill in all that apply*):

Main Building/Dwelling: _____ total square feet

Accessory Building(s): _____ total square feet

_____ total square feet

Patio, Deck, Pool
and Other Impervious: _____ total square feet

8. **NON-RESIDENTIAL ONLY** Dimensions of Proposed (*fill in all that apply*):

Main Building/Dwelling: _____ X _____ for a total of _____ square feet

Addition to Main: _____ X _____ for a total of _____ square feet

Accessory Building(s): _____ X _____ for a total of _____ square feet

Patio, Deck, Pool
and Other Impervious: _____ X _____ for a total of _____ square feet

Fence Information: Type: _____ Height: _____

Sign Information: Height: _____ Width: _____ Sign Area: _____ square feet

9. Variance, Design Exception, Submission Waiver

EXAMPLE:

Article **IX**, Section **180-25**, Paragraph **D**

(a) Article, Section and Paragraph of Zoning Chapter 180 from which a **variance** is requested. *Cite each necessary.*

Article _____, Section _____, Paragraph _____

Article _____, Section _____, Paragraph _____

Article _____, Section _____, Paragraph _____

(b) Article, Section and Paragraph of other chapters of the code from which a **design exception** is requested. *Cite each necessary.*

Article _____, Section _____, Paragraph _____

Article _____, Section _____, Paragraph _____

Article _____, Section _____, Paragraph _____

(c) Checklist item(s) from which a **submission waiver** is requested. *Cite each separately.*

(d) Other.

10. ADMINISTRATIVE SUMMARY OF VARIANCES, WAIVERS, AND DESIGN EXCEPTIONS

As part of the Application for Land Development, you are required to complete the information below for each variance, waiver, and design exception. **Use separate sheets if necessary.**

1. The variance, waiver or design exception being applied for:

2. The specific amount that you are requesting and the current requirements of the Township Code: (For example: if the proposed side yard setback is 10 feet and the Code requires a minimum of 15 feet, then you are requesting a variance for a side yard setback of 10 feet instead of the required 15 feet.)

3. The reason(s) why you are applying for a variance, waiver or design exception as part of your application:

4. Additional sheets attached for Administrative Summary of Variances, Waivers, and Design Exceptions.
 YES NO

11. RESIDENTIAL ONLY

BUILDING & LOT COVERAGE WORKSHEET

Please fill out the worksheet as completely as possible. Include any items being removed in the **PROPOSED** column so that the total square footage accurately reflects the work being done.

Lot Size (1 acre = 43,560 square feet): _____ sq. ft.

ITEM DESCRIPTION	EXISTING AREA (SQUARE FEET)	EXISTING AREA + PROPOSED (SQUARE FEET)	REMARKS (DIMENSIONS, COMMENTS)
1. BUILDING FOOTPRINT (house & attached garage)			
2. DETACHED GARAGE			
3. OTHER ROOFED STRUCTURES (i.e. sheds, gazebos, covered porches/decks, etc.)			
4. OTHER ACCESSORY BUILDINGS (please specify)			
5. OTHER ACCESSORY BUILDINGS (please specify)			
6. DRIVEWAY (including stone)			
7. SIDEWALK			
8. PATIO			
9. DECKING (not roofed)			
10. POOL (including surrounding concrete deck)			
11. OTHER (please specify)			
BUILDING COVERAGE (ADD ITEMS 1 THROUGH 5)	_____ S.F. _____ %*	_____ S.F. _____ %*	* DIVIDE THE TOTAL SQUARE FOOT AREA BY THE LOT SIZE TO DETERMINE THE % OF COVERAGE
LOT COVERAGE (ADD ITEMS 1 THROUGH 11)	_____ S.F. _____ %*	_____ S.F. _____ %*	

TOTAL % BUILDING COVERAGE PERMITTED: _____
 TOTAL% LOT COVERAGE PERMITTED: _____

12. List any materials accompanying this application (*Attach a separate sheet if necessary*):

13. I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief. I also understand that an amount equal to the actual expenditure by the Township for legal, engineering or other outside work will be billed to me. (See Escrow Agreement).

Applicant's Name (*please print*)

Applicant's Signature

Date

14. I hereby consent to the filing of this application, plans and documents as well as other materials submitted herewith.

I further consent to the inspection of this property in connection with this application by relevant municipal officials.

Owner's Name (*please print*)

Owner's Signature*

Date

***Owner's signature to be notarized if the Owner is someone other than the Applicant.**

"Covered persons" under Daniel's Law. Daniel's Law is a New Jersey statute that provides a means for certain public servants to request the redaction of certain personal information from public-facing State, county, and municipal websites.

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY :

:SS

COUNTY OF BURLINGTON:

I, _____, of full age, being duly sworn according to law, depose and say, that I reside at _____ in the Township of _____ County of _____, and State of New Jersey and that I did on _____, 20____, at least ten (10) days prior to hearing date, give written notice of the hearing of this application to all property owners within 200 feet of the property, which is located at _____, Moorestown New Jersey, and/or those public agencies required by Law, affected by docket number _____.

Said notice was given either by hand delivery, or by certified mail to the property owner. Copies of the registered receipts and/or original signatures with dates are attached hereto.

Respectfully,

(signature)

Sworn and subscribed to before me on this

_____ day of _____, 20_____

A Notary Public of New Jersey

ESCROW AGREEMENT

ZBA No.: _____

Block/Lot: _____

Address: _____

THIS AGREEMENT made this _____ day of _____, in the year of _____.

Name/Address

Phone Number/Email Address

is hereinafter referred to as "Applicant", the Planning Board or Zoning Board of Adjustment of the Township of Moorestown is hereinafter referred to as "Board", and the Township of Moorestown in the County of Burlington is hereinafter referred to as "Township".

WHEREAS, Applicant is proceeding under the Land Subdivision and Development Ordinance (hereinafter "Ordinance", for approval of: _____

_____ ; and

WHEREAS, the Ordinance requires the applicant to establish an escrow whereby work required to be performed by professionals employed by the Board will be paid for by the Applicant as required under the provisions of the ordinance cited above; now, therefore,

Section 1. PURPOSE

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

Section 2. ESCROW ESTABLISHED

Applicant hereby creates an escrow to be established with the Department of Finance of the Township.

Section 3. ESCROW FUNDED

Applicant, upon execution of this agreement, shall pay to the Township, to be deposited in the depository referred to in Section 2, such sums as are required by Ordinance.

Section 4. INCREASE IN ESCROW FUND

If during the existence of this escrow agreement the funds held by the escrow holder shall be insufficient to cover any voucher or bill submitted by the professional staff and reviewed and approved by the Director of the Department of Community Development or his designee (hereinafter "Director"), Applicant shall within fourteen (14) days from the date of receipt of written notice deposit additional sums with the escrow holder to cover the amount of the deficit referred to above and such additional amounts reasonably anticipated by the Director to be needed to complete the application process.

Unless otherwise shown, receipt shall be presumed to have occurred three (3) Days after mailing. The notice required under this paragraph shall be given by the Director or his designee.

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

Name/Address

Phone Number/Email Address

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 voucher 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 under Section 1 of this agreement.

Section 6. PAYMENTS FROM ESCROW FUNDS

The Director of his designee 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 said services have been performed properly, the Director or his designee shall process said vouchers submitted for work performed on behalf of the Township. At the conclusion of this processing, the amounts specified in said vouchers shall be paid by the escrow holder from the escrow established pursuant to this agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seal the date first written above.

Authorized Agent Name/Title (please print)

Authorized Agent Signature*

*If the applicant is a company/corporation, this agreement must be attested to by an appropriate officer or authorized attorney of record representing the applicant.

*If the applicant is an individual, this agreement can be attested to by the applicant or authorized attorney of record representing the applicant.

To: Jennifer DellaValle, CTC
Tax Collector

FROM: Zoning Board Secretary
Department of Community Development

DATE: _____

RE: PAYMENT VERIFICATION

PROPERTY LOCATION: _____

BLOCK: _____ LOT: _____

OWNER: _____

180-97 Payment of Municipal Taxes and Assessments

Amended 6-24-1991 by Ord. No. 1577-91

Neither the Planning Board nor the Board of Adjustment shall hold public hearing on any application until proof has been submitted that there are no municipal taxes or assessments for local improvements due or delinquent on the subject property.

This is to verify that all municipal taxes and assessments for local improvements on the subject property are paid thru:

TAXES:

SPECIAL ASSESSMENTS:

OTHER:

Jennifer DellaValle, CTC

Date

Township of Moorestown

Tax Collector

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</p> <hr/> <p>2 Business name/disregarded entity name, if different from above</p> <hr/> <p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____ </p>	<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <hr/> <p>6 City, state, and ZIP code</p> <hr/> <p>7 List account number(s) here (optional)</p>	<p>Requester's name and address (optional)</p> <hr/>

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 40%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-		-	
	-		-		
or					
Employer identification number					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 90%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-			
	-				

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	<p>Signature of U.S. person ▶ _____</p>	<p>Date ▶ _____</p>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.