

**TOWNSHIP OF SOUTHAMPTON
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

INSTRUCTIONS FOR APPLICANTS
READ CAREFULLY

Introduction:

Applications to the Planning Board or Zoning Board of Adjustments are governed by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; the provisions of the Zoning Ordinances of the Township of Southampton as amended; and Rules and Procedures of the Boards. You must be familiar with this information to assure that your application is complete and can be properly considered. Copies of the Zoning Ordinances are available for purchase from the Township Zoning Officer or Board Secretary. It is recommended that you consult an attorney.

THE FOLLOWING GENERAL INSTRUCTIONS ARE PROVIDED FOR YOUR CONVENIENCE.
A FAILURE TO COMPLY WITH ALL PROCEDURES OR THE SUBMISSION OF AN INCOMPLETE APPLICATION MAY RESULT IN DELAY OR NON-CONSIDERATION OF YOUR APPEAL OR APPLICATION.

I. **APPLICATION FORMS:**

Application forms are available from the Board Secretary. All applications received will be reviewed by the Review Advisory Committee on the third Thursday of the month for completeness and scheduling for a hearing by the Board. The Administrative Officer of the Planning Board/Zoning Board of Adjustment has **forty-five (45) days** to deem an application complete **NO APPLICATION WILL BE PLACED ON AN AGENDA UNTIL THE "RAC" HAS DEEMED THE APPLICATION COMPLETE.** The Administrative Officer of the Planning Board/Zoning Board of Adjustment will notify the applicant of scheduled meeting date and time.

a. Please note that original and **fourteen (14)** copies of all documents submitted must be provided by the applicant. All site plans and subdivisions must be filed with the Burlington County Planning Board. (See N.J.S.A. 40:55D-37c)

II. **NOTICES REQUIRED:**

At least **ten (10)** days prior to the date fixed for your hearing, the applicant shall arrange for the following notices required by N.J.S.A. 40:55D-12:

a. **PUBLICATION:**

Public notice of any hearing shall be given by publication in the official newspaper (**The Central Record**) or a newspaper in general circulation in the municipality (**The Burlington County Times**).

b. **PROPERTY OWNERS:**

Personal notice of any hearing shall be given to the owners of all real property, as shown on the current tax list, located within 200 feet in all directions of the subject property line, including residents of adjacent townships. This notice shall be given by: (1) serving a copy of the Notice of Hearing on the property owner(s) *personally, or his agent in charge, or (2) mailing a copy by certified mail to the owner at the address shown on the current tax list.

Names and addresses of owner(s) of real property within 200 feet may be obtained from the Southampton Township Assessor's office for a fee of **\$10.00**.

Notices may be given to property owner(s) on form provided with the Application Packet.

c. **MUNICIPAL CLERK:**

Notice of any hearing shall be given to the Clerk of any adjoining municipality within 200 feet of the subject property by service or certified mail.

d. **COUNTY PLANNING BOARD:**

Notice of any hearing shall be given to the Burlington County Planning Board when: (1) notice to a municipal clerk is required, (2) the subject property adjoins county land, or (3) the subject property adjoins a county road, existing or proposed. Such service shall be personal or by certified mail.

e. **COMMISSIONER OF TRANSPORTATION:**

Notice of any hearing shall be given to the Commissioner of Transportation when the subject property adjoins a State Highway by personal service of certified mail.

f. DIVISION OF STATE – REGIONAL PLANNING:

Notice of any hearing shall be given to the Director of the Division of State and Regional Planning in the Department of Community Affairs when the subject property exceeds **150 acres or the application involves more than 500 dwelling units.** (See N.J.S.A. 40:55D-12g)

III. **CONTENTS OF NOTICES:**

It is essential that all Notices published and served contain complete information as required by N.J.S.A. 40:55D-11. Applicants should use form provided in the Application Packet or consult an attorney.

IV. **PROOF OF NOTICE:**

At least **three (3) days** prior to the date fixed for hearing the application, the applicant shall file with the Board's Secretary a signed Affidavit of Proof of Service on form provided in Application Packet. In addition, appropriate **Proof of Publication** of the required public notice in the newspaper (**The Central Record or Burlington County Times**) shall be filed together with the Affidavit and certified mail form. If the required Proof is not filed on time, an application will not be heard.

V. **POWERS OF THE ZONING BOARD OF ADJUSTMENT:**

The powers of the Zoning Board of Adjustment are established by N.J.S.A. 40:55D-70 and 76. Briefly, the types of relief available are as follows:

a. Appeals:

Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinances;

b. Interpretations:

Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act;

c. Hardship Variances:

The Board may grant variances where the strict application of the Zoning Ordinances or Zoning Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon a person due to: (a) exceptional narrowness, shallowness or shape of a specific piece of property; (b) exceptional topographic conditions or physical features uniquely affecting a specific piece of property; or (c) an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

In addition, the Board may grant a variance for a specific piece of property where the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance Requirements and the benefits of the deviation would substantially outweigh any detriment. The burden is **upon the applicant** to demonstrate the facts establishing that a variance should be granted under the foregoing standards.

d. Use "D" Variances:

The Board may grant variances to allow a departure from the regulations of the Zoning Ordinances to permit: (1) a use or principal structure in a district restricted against such use or principal structure; (2) an expansion of a nonconforming use; (3) deviation from a specification or standard pertaining solely to a conditional use; (4) an increase in the permitted floor area ratio; (5) an increase in the permitted density, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision, or; (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. The burden is upon the applicant to demonstrate the facts establishing that a variance should be granted under the foregoing standards. A variance under this subsection shall be granted only by affirmative vote of at least five members.

e. Site Plan or Subdivision:

In conjunction with an application for a Use "D" Variance only, the Board may grant site plan, subdivision or conditional use approval in the same matter as the Planning Board.

NO PART OF THE ABOVE FORMS OF RELIEF MAY BE GRANTED UNLESS THE APPLICANT ESTABLISHES THAT ANY RELIEF REQUESTED WILL NOT SUBSTANTIALLY IMPAIR THE INTENT OF THE ZONING PLAN AND ZONING ORDINANCES NOR RESULT IN SUBSTANTIAL DETRIMENT TO THE HEALTH, WELFARE AND SAFETY OF THE PUBLIC.

VI. FEES AND COSTS:

The applicant must pay all costs and expenses for the preparation, filing and service of application materials and notices. In addition, every application filed with the Board Secretary shall be accompanied by the applicable fees and escrow deposits per **ORDINANCE #1998-9**.

VII. REPRESENTATION:

At the time of hearing, the applicant may appear on his own behalf or be represented by an attorney. In the event, the applicant is a corporation, it **must** be licensed to do business in the State of New Jersey and be represented by a New Jersey licensed attorney.

VIII. PRIOR APPROVALS:

Certain applications require approval of other county or state agencies. It is the applicant's responsibility to determine the necessity for such approvals and submit appropriate verification to the Board.

IX. NOTICE OF DECISIONS:

As permitted by N.J.S.A. 40:55D-10I, the Planning/Zoning Board Secretary shall cause publication of a brief notice of any decisions in the official newspaper or in a newspaper in general circulation in the community. Such publication fixes the date from which the time for appeal runs.