

**Town of Clinton
VARIANCE APPLICATION**

No. _____ (date filed) _____ Fee deposited _____ Attorney ID # _____

(DO NOT WRITE ABOVE THIS LINE)

INSTRUCTIONS

Application for appeals to the Land Use Board of The Town of Clinton must be made on this form and filed with the Secretary of the Board along with Twenty (20) Copies of Plot Plan/ Site Plan. **Additional information may be required by the Board.**

After filing the application you will be notified of the date the hearing will be held on your application together with detailed instructions concerning the procedure you must follow to give notice of the hearing to adjoining property owners.

In the event a variance is granted, you are hereby notified that said variance shall expire unless work is commenced and diligently prosecuted within nine (9) months from the date of the granting of the variance.

1. Name of Applicant: _____

Address: _____ Phone _____

2. Name & address of present owner (if other than No.1 above)

3. Interest of applicant if other than owner: _____

4. Description of property: _____

How Zoned: _____

Street Address: _____

Tax Map Block No. _____ Lot No: _____

Size of Lot: _____ Size of Building _____

Number, Size & Use of accessory buildings: _____

Height of Building: _____ #of Stories: _____

Setback from front property line: _____ feet Rear yard: _____ feet.

From side lot lines: _____ feet, and _____ feet.

Prevailing setback of adjoining buildings with block: _____

5. Attach a plot plan showing the block and lot numbers, dimensions of lot, dimensions of present and proposed structures, and location of all structures in relation to all other structures and to property lines and plans of any proposed buildings.

6. Specify the relief sought from the Board under NJSA. 40:55D- 70 et seq.

(refer to sections of the zoning ordinance involved for each request).

7. Has there been any previous appeal involving these premises? If so, state character of appeal and date of disposition.

8. If variance is under NJSA. 40:55D-70 (c) give details on any of the following which may apply:

(a) Exceptional narrowness, shallowness, or slope of property:

(b) Exceptional topographic conditions:

(c) Other extraordinary and exceptional situations or conditions of the property:

(d) Exceptional and undue hardships upon the owner of property:

9. If the use is not permitted in the zone NJSA 40:55D-70(d)-specify the details on the following:

(a) How this is a particular case:

(b) What are the special reasons for the variance:

10. Specify how the relief requested, if granted, can be granted without substantial detriment to the public good and without substantially impairing the intent and plan of the zoning ordinance, and how it would affect the following purposes of zoning.

(a) To Lessen congestion in the streets:

(b) Secure safety from fire, flood, panic and other dangers:

(c) Promote health, morals and the general welfare:

(d) Provide adequate light and air:

(e) Prevent the overcrowding of land or buildings:

(f) Avoid undue concentration of population:

(g) Other:

11. The applicant does hereby grant an extension of time from the date within which the Land Use Board must act on this application for a period of _____.

Authorization

If anyone other than the owner is making the application, the following authorization must be executed:

To: Land Use Boardt

_____ is hereby authorized to make the attached application to the Land Use Board.

Signature of owner: Date:

TOWN OF CLINTON
COUNTY OF HUNTERDON

ESCROW AGREEMENT

THIS AGREEMENT made this _____ day of _____, 20____
between _____

hereinafter referred to as "Applicant"; and the Land Use Board and/or
THE TOWN OF CLINTON, hereinafter referred to as the "Municipality".

WHEREAS, the applicant is proceeding under the Development-
Ordinances for approval of a subdivision and/or site plan and/or
variance, on Block _____, Lot _____, Street _____
and

WHEREAS, the Applicant desires to establish an Escrow Account
whereby work required to be performed by professionals employed by the
Municipality, will be paid for by the Applicant as required under the
provisions of the State Statute and Town Ordinances.

NOW THEREFORE, IT IS mutually agreed between parties that:

Section 1. Purposes.

The Municipality authorizes its professional staff to review,
inspect, report, and study all plans, documents, statements,
improvements, and provisions made by the Applicant relating to this
development and conforming to the requirements of the Development
Ordinances of the Town of Clinton and attend and participate in such
meetings as part of a continuing review of the application. The
Municipality directs its professional staff to make all oral and/or
written reports and Resolutions to the Municipality of its conclusions
and findings derived from the review, study, investigation and like or
similar duties performed as elsewhere authorized. The Applicant agrees
to pay all reasonable and professional fees incurred by the Municipality
for the performance of the duties outlined above.

Section 2. Escrow Established.

The Applicant and the Municipality, in accordance with the provisions
of this Agreement, hereby create an Escrow Account to be established with
the Financial Officer of the Town of Clinton.

Section 3. Escrow Funded.

Applicant by execution of this Agreement, undertakes and shall pay
to the Town, to be deposited with the Financial Officer referred to in

Section 2 above, such sums as are required by its Escrow Ordinance. Execution of this Agreement by the Town, acknowledges receipt of the sums referred under this section.

Section 4. Increase in Escrow.

If during the existence of this Escrow Account, the funds held in Escrow shall be reduced to 35% of the initial deposit, the Applicant shall upon Notice from the Financial Officer, replenish such funds within 14 days of such Notice. Additionally, until such funds are fully replenished, no further consideration, review, processing or inspections shall be performed by or on behalf of the Municipality until the additional Escrow has been deposited.

The written Notice referred to in this Section shall be sent to:

Name. _____ Address: _____

Receipt shall be presumed to have occurred three days after mailing of the Notice to the above address by regular mail. Notice required under this Section shall be given by the Administrative Officer of the Municipality.

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 service, shall submit vouchers conforming to the requirements established by the Town for vouchers of the type and kind referred to under this Section. 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. Municipality Review.

The Municipality shall review the vouchers submitted by the professionals and Upon making a determination that said services have been performed, the Municipality shall process and pay said vouchers in the same manner and under the same terms as are normally employed for vouchers submitted for work performed on behalf of the Town. At the conclusion of this processing, the amounts specified in said vouchers shall be deducted by the Financial Officer from the Escrow established pursuant to this Agreement.

Section 7. Applicant's Review.

The Applicant shall have the right to make periodic inspections of the records maintained by the Town to determine the status of the Escrow Account and vouchers charged against such account.

Section 8. Interest Allocations.

Any and all interest which results from or arises out of the deposit of the Escrow by the Town shall be disbursed in accordance with N.J.S.A 40:55D-53.1 (Deposits with Municipalities; Escrow; Interest.)

Section 9. Return of Escrow Balances.

Upon completion of the project and the payment of all outstanding bills for professional services on behalf of the Town, any remaining balances shall be returned to the applicant as follows:

-Minor Subdivision-upon filing of new Deeds;

-Major Subdivision-completion and acceptance by the Town of required improvements;

-Site Plan-issuance of a Certificate of Occupancy;

and then only after recommendation by the Planning Board or Board of Adjustment to the Town Council; and authorization of release of the funds by appropriate resolution of the Town Council.

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

Applicant Signature: _____

Amount Received _____ Check # _____

Bank: _____

TOWN OF CLINTON LAND USE FEES

Informal Discussion (30 Minutes):	\$100.00
Exemption from Site Plan: (<i>use preliminary site plan application</i>)	\$100.00
Minor Site Plan:	\$150.00
Regulated Use Permit	\$500.00 per lot plus \$100 per structure:
Special Meeting Fee:	\$500.00

Subdivision (Land Only)

Minor Subdivision (Sketch Plat 1 Lot Only)	\$150.00
Major Subdivision (Preliminary Plat 2+)	\$500.00 plus \$100 per lot
Final Plat	\$250.00 plus \$50 per lot
Amendment to Subdivision	\$25% of original fee (\$100 min)

Preliminary Site Plan Applications:

Residential	\$500.00 plus \$100 per lot
Garden Apts, Townhomes, Condos	\$2,000.00 plus \$100 per unit
Industrial Development	\$1,000 plus \$5 per 100SF of Bld
Commercial –C1 Zone	\$350.00 plus \$5 per 100SF of Bld
Commercial- C2 ,C3, C4 Zone	\$1,000.00 plus \$5 per 100 SF of Bld
OB1 & OB2	\$500 plus \$5 per 100 SF of Bld
OB3 & OB4	\$1,000 plus \$5 per 100 SF of Bld

Final Site Plan:

Residential & Commercial (phased)	\$25% of Preliminary Fee
Residential & Commercial (not phased)	\$25% of Preliminary Fee
Amendment to Site Plan	\$25% of Preliminary Fee

VARIANCE FEES:

Sign Variance	\$25.00
Interpretation of Zoning Map or Regulations	\$300.00
Hardship Variance (40:44D-70C)	\$100.00 per Variance
Use Variance (40:55D-70d)	\$550.00
Direction for Issuance of a permit for a Building or structure in the bed or mapped street Or public drainage way, flood control basin or Public area reserved on an official map	\$550.00

ALL APPLICANTS ARE REQUIRED TO ESTABLISH AN ESCROW ACCOUNT- EQUAL TO THE APPLICATION FEE -\$1,000.00 MINIMUM

Any Engineering and Professional services that exceed the escrow will be billed by the Town of Clinton to the applicant.

PLEASE BE ADVISED THAT THE NOTICE IN THE NEWSPAPER MUST APPEAR AT LEAST 10 BUSINESS DAYS PRIOR TO YOUR SCHEDULED PUBLIC HEARING. ALL NOTICES TO THE 200-FOOT LIST AND PUBLIC UTILITIES MUST BE SENT BY CERTIFIED MAIL AT LEAST 10 BUSINESS DAYS PRIOR TO YOUR SCHEDULED PUBLIC HEARING.

Items to be delivered to the office by the Friday before the Tuesday Meeting:

- 1). Copy of notice sent to all public utilities, residences & businesses on the 200 foot notice that was supplied by the Town Clerk.
- 2). Original Affidavit signed and notarized
- 3). Copy of notice sent to the newspaper and the notarized form from the newspaper.
- 4). Copy of the 200-foot list supplied by the Town Clerk
- 5). Original white certified receipts

If you have any questions please contact the Board Secretary Allison Witt at 908-735-2275.

Notice Property Owner

NOTICE IS HEREBY GIVEN THAT THE UNDERSIGNED HAS APPLIED TO THE
LAND USE BOARD OF THE TOWN OF CLINTON FOR A VARIANCE
FROM THE TERMS OF THE ZONING ORDINANCE OF THE TOWN OF CLINTON
TO PERMIT:

ON THE PROPERTY KNOWN AS BLOCK _____ LOTS (S) _____
ADDRESS _____

WHICH IS WITHIN 200 FEET OF PROPERTY OWNED BY YOU.

A HEARING ON THIS APPLICATION WILL BE HELD BY THE LAND USE BOARD
OF THE TOWN OF CLINTON IN THE MUNICIPAL BUILDING, 43

LEIGH STREET, CLINTON NJ ON _____ EVENING

_____, 20____, AT 7:00PM. ALL INTERESTED PARTIES WILL
BE HEARD .

APPLICANT

DATE:

Legal Advertisement in Newspaper

NOTICE IS HEREBY GIVEN THAT THE UNDERSIGNED HAS APPLIED TO THE
LAND USE BOARD OF THE TOWN OF CLINTON FOR A VARIANCE
FROM THE TERMS OF THE ZONING ORDINANCE OF THE TOWN OF CLINTON
TO PERMIT:

ON THE PROPERTY KNOWN AS BLOCK _____ LOTS (S) _____
ADDRESS _____

A HEARING ON THIS APPLICATION WILL BE HELD BY THE BOARD OF
ADJUSTMENT OF THE TOWN OF CLINTON IN THE MUNICIPAL BUILDING, 43
LEIGH STREET, CLINTON NJ ON _____ EVENING
_____, 20____, AT 7:00PM. ALL INTERESTED PARTIES WILL
BE HEARD .

DATE: _____

APPLICANT

Affidavit

STATE OF NEW JERSEY

}ⁿ SS.

COUNTY OF HUNTERDON

_____ OF FULL AGE BEING
 DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THAT HE RESIDES AT _____ IN THE
 _____ OF _____ COUNTY
 OF _____ AND THE STATE OF _____, THAT
 _____ HAS SUBMITTED AN APPLICATION TO THE LAND USE BOARD
 FROM THE TERMS OF THE ZONING ORDINANCE OF THE TOWN OF CLINTON, IN CONNECTION
 WITH THE PROPERTY KNOWN AS BLOCK _____ LOT (S) _____
 ADDRESS _____

**AND THAT WRITTEN NOTICE OF THE HEARING ON THIS APPLICATION WAS GIVEN TO EACH
 AND ALL OF THE OWNERS OF PROPERTY AFFECTED, IN THE FORM ATTACHED, AND
 ACCORDING TO THE ATTACHED LISTS, AND IN THE MANNER AND ON THE DATES
 INDICATED THEREON.**

SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF _____, 20_____

NOTARY PUBLIC _____

The Town of Clinton

P.O. BOX 5194
CLINTON, NEW JERSEY 08809
(908) 735-8616

LAND USE BOARD TIMELINE SUMMARY:

- 1). Submittal of **20 Copies** of the application, fees and **20 copies of the accompanying documents at least 21 days** prior to the next meeting date.(zoning application, plans, surveys, escrow agreements, etc.)
- 2). Completeness Hearing will be scheduled for the next available meeting date. Applicant should attend completeness hearing.

Once the application has been deemed complete and a public hearing date has been scheduled the applicant should complete the following:

- 3). Order the 200- foot list from the Town Clerk. (the list can take up to 10 days to obtain)
- 4). You must provide notice to the following at least **10 days prior to the public hearing:**

The Official Newspaper (The Hunterdon Review)

By Certified Mail to the properties on the 200- foot list and the public utilities on the list.
- 5). A copy of the newspaper publication (notarized by The Hunterdon Review) and
A copy of the certified receipts along with a copy of the 200-foot list must be provided to me no later than the **Friday prior to the meeting date.**

A detailed list of instructions are attached.

Rules & Procedures

The Land Use Board is a quasi-judicial body which decides on applications for variances based upon the testimony of all parties, including the applicant, expert witnesses, objectors and upon any maps or documents properly put in evidence.

Since the Board sits in a quasi-judicial capacity, it is neither the prosecutor for the applicant nor the objector. It is the applicant's responsibility to make sure the needed evidence is presented. It is the objector's responsibility to make sure the appropriate facts sustaining any objection are brought forth in the evidence.

Any Person interested in finding out more about the application or any person wishing to object may pose proper questions to the applicant and the applicants witnesses and at the close of the applicant's case may then be sworn in to give testimony or may present witnesses or proper documentary evidence in opposition to the application.

An applicant or interested person or objector may appear with an attorney. An attorney is required if the applicant is incorporated.

The Land Use Board shall consist of seven voting members appointed by the Town Council, with the qualifications for the terms and for the purposes as prescribed by the laws of the State of New Jersey and the Zoning Ordinance of the Town of Clinton.

The Board shall have those powers as outlined in the Zoning Ordinance of the Town of Clinton and as prescribed by the laws of New Jersey. Copies may be obtained for a fee of \$20.00 from the Town Clerk.

HEARINGS

Section 1. It is the intention of the Board to complete the hearing on one application before commencing a subsequent hearing.

Section 2. Applications will generally be heard on a "first-come, first-heard" basis. Applications filed at or about the same time having been deemed complete will be heard

with preference given to N.J.S.A. 40:55D-70a-c requests for relief over N.J.S.A. 40:55D-70d.

Section 3. The Chair, nonetheless, reserves the right to limit the time allocated to any application in order to assure compliance with the Municipal Land Use Law.

Section 4. Applicants shall at the commencement of the hearing submit a pre-number list of exhibits. The first four exhibits shall be A-1, the Application and supporting document on file not less than ten (10) days prior to the hearing; A-2 the Certified List of Property Owners; A-3 Proof of Mailing; A-4 Proof of Publication.

Section 5. Nothing herein shall preclude the Board from scheduling hearings in a sequence based on other factors, nor shall the Board be precluded from seeking extensions of time to act from an application based on the particularized needs of the applicant or the Board.

DIRECTIONS TO APPLICANT

- 1 An Application to the Land Use Board for relief as may be provided by the Board may be taken by any person or any officer or Board of the Town of Clinton affected by such a decision.
- 2 The applicant, before making an application to the Land Use Board for relief shall first have made an application to the Zoning Officer of the Town of Clinton in such manner and form as directed by the Zoning Officer, for a permit to create a use or to erect, alter or move a building or structure, not in conformity with the provisions of the Zoning Ordinance.

- 3 Communications and applications shall be addressed to or delivered to the Secretary of the Land Use Board.
- 4 Any Communications purporting to be an application to the Board shall be regarded as mere notice of intention to seek relief, until the applicant has conformed to the rules of this section.
- 5 The application must be signed by the owner of the property, or if not signed, then the applicant must file with the application an "authorization to make the application" signed by the owner.
- 6 Every application shall be accompanied by all the data required and twenty (20) complete copies shall be prepared. One of the copies shall be filed with the Zoning Officer and the others with the Secretary of the Land Use Board.
- 7 The required fee shall be paid to the Secretary at the time of filing the application and a receipt for such payment shall be attached to the copy of the application filed with the secretary of the Board of Adjustment. The fee shall be returned to the applicant if, by written notice to the Secretary, the application is withdrawn before proceedings for publication have been undertaken and before any expense fee has been incurred by the Board in connection with the case.

Application

- 8 Twenty (20) copies of the application shall be submitted to the Secretary of the Board of Adjustment on forms supplied by the Town Clerk or the Secretary of the Land Use Board of the Town of Clinton. A copy of the application shall be sent to the Zoning Officer by the applicant at the same time.

All applications must be submitted to the Secretary of the Land Use Board twenty one days prior to the next meeting date.

Each copy of the application should have attached a map or plotting of the property, showing all improvements and must be signed or consented to by the landowner.

All drawings, other than those prepared by the applicant, must be sealed by a land surveyor licensed by the State of New Jersey.

All inquiries should be directed to the Board Secretary.

- 9 Upon receipt by the Secretary of the Land Use Board of Twenty (20) copies of the map or plotting and the fee, the application shall be given a case number and shall be placed on the calendar.
- 10 On the filing of a copy of the application with all required data with the Zoning Officer, the Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.
- 11 Upon receipt of the application the applicant will be placed on the agenda for a completeness hearing. After completeness has been determined the applicant will be notified of a public hearing date.
- 12 Pursuant to the law as required, the applicant must publish his own notice in the official newspaper of the Town of Clinton at least ten (10) days prior to the date of the scheduled public meeting
- 13 The names and addresses of all owners of property situated within or without the municipality, as shown by the recent tax lists of the municipality or municipalities, whose property or properties as shown by said lists, are located within 200 feet of the property to be affected should be obtained from the Town Clerk for a fee of \$10.00. At least Ten (10) days prior to the time appointed for said hearing, applicant shall give personal notice to all owners of property situated within or without the municipality. Such notice shall be given by sending written notice thereof by certified mail to the last known address of the said property owner.

Ascertain if applicant's property fronts on a county road or adjoins other county land, if so notice must be given by certified mail to the County Planning Board at least ten (10) days prior to the public hearing date.

Ascertain if applicant's property is within 200 feet of adjoining municipalities, if so notice must be given by

certified mail at least ten (10) days prior to the public hearing date to the clerk of the adjoining municipality.

Applicant shall be responsible for notifying appropriate State and Federal authorities where necessary.

Applicant shall by affidavit present satisfactory proof to the Board of Adjustment at the time of the hearing that said notices have been duly served as aforesaid.

Applicant shall furnish the Board with the notice, which was sent to the property owners within 200 feet. Also, the certified return receipts showing that said property owners have been notified.

Applicant shall furnish the Board with a certified list from the Town Clerk of property owners located within 200 feet of the property in question.

- 14 The application should contain a clear explanation of what the applicant proposes to do with his property or a concise description of the relief requesting under the zoning ordinance and shall include a reference to the section under which the variance or the relief is requested, as well as identification of the property by tax lot and block.