



Borough of Brielle

ZONING BOARD OF ADJUSTMENT
601 UNION LANE • P.O. BOX 445 • BRIELLE, NEW JERSEY 08730
(732) 528-6600 or 528-6262 • FAX (732) 528-7186

CHECKLIST FOR APPLICATIONS FOR A VARIANCE

1. 18 sets of the application must be submitted, set includes: 2 page application (1st 2 pages attached to this paper), Letter of Denial from the Zoning Officer (which states the variances needed and the Statutes), a copy of a survey showing the existing layout of the property and dotted lines showing the new addition/changes as well as any new setback footages. A floor plan and elevation views (architectural plans) are requested as they help the Board in their determinations.
2. Application fee – payable to “The Borough of Brielle” (see schedule of fees). Two checks are needed, one for base fees & one for escrow fees.
3. Affidavit of Service – a list of owners whose property lies within 200 feet of the subject property, served with the Notice of Public Hearing. Please attached to it a copy of the list received from the Tax Collector. Also attached must be a copy of the notice that was served, which MUST state the Statutes that need the variance relief as well as an explanation of what is being proposed. If the notice is hand served, the name & address of the receiver must be listed on the Affidavit of Service. If the notice is served by Certified Mail, with Return Receipt, the return receipts are to accompany the affidavit. The Affidavit of Service MUST be notarized and notification must be at least 10 days before the hearing.
4. Affidavit of Publication. To be furnished by the newspaper (you may advertise the notice in either the Coast Star or Asbury Park Press. Notice MUST be advertised at least 10 days before the scheduled hearing, one time.
5. Certification of Taxes Paid – a form completed by the Tax Collector that indicates that the taxes and water/sewer charges on the property applied for in the variance are paid through the date of the requested hearing.
6. Deadline for applications – all applications and plans must be filed at least 5 weeks before the requested hearing date. The Recording Secretary will give you a hearing date when the complete application is filed and the fee paid. The application and plans MUST be filed before any notice is given. The Board hears a maximum of 3 hearings per night. If the agenda is filled when you file your application, you will be placed on the agenda of the first free meeting night. The Planning/Zoning Board of Adjustment meets on the Second Tuesday of the month at 7:30 p.m. Applications are put on the agenda in the order they come in completed. If an Engineering review is needed, that will take additional time.
7. Any plans submitted with the application MUST BE FOLDED; rolled plans will be rejected. Any questions, call Karen 732-528-6600, ext. 114 or Colleen at ext. 115



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BOARD OF ADJUSTMENT

601 UNION LANE • P.O. BOX 445 • BRIELLE, NEW JERSEY 08730

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APPLICATION FOR BOARD OF ADJUSTMENT HEARING

Applicant's Name _____

Applicant's Address _____

Telephone No. _____

Request is hereby made for permission to () erect, () alter, () convert, () use,
() subdivide contrary to the requirements of the following Sections of the Zoning
Ordinance:

| <u>Section</u> | <u>Subject</u> | <u>Requirement</u> | <u>Variance Requested</u> |
|----------------|----------------|--------------------|---------------------------|
|----------------|----------------|--------------------|---------------------------|

Location of Premises: _____ Block # _____ Lot # _____

A photograph of the subject premises is attached. Yes (), No ().

The premises are located in the following zone:

() R-1, () R-2, () R-3, () R-4, () R-5, () C-1, () C-2, () C-3.

Description of the building: type of construction (frame, brick, etc.) _____

Size of building _____ square feet of building _____

Height of building _____

Setbacks: front _____, side _____, rear _____

Percentage of lot covered by building _____%

Size of Lot: _____, square footage of lot _____

Proposed use of building & lot: _____

(if more than one building, give number of units) _____

If commercial, give number of parking spaces existing _____

If commercial, give number of parking spaces proposed _____

If corner lot, which street will building face? _____

Has there been any previous application involving these premises? _____

If so, state date of application, nature of application & disposition _____

Page 2 – Board of Adjustment application
Borough of Brielle

Describe any easements or restrictive covenants affecting the premises _____

Describe the hardship, exceptional conditions or special reasons on which you will rely to support the granting of a variance:

Please give a statement of facts showing why the variance sought can be granted without substantial detriment to the public good and why it will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance:

If applicant seeks a Use Variance under Subsection (d) of Article A, Section 57 of the Municipal Land Use Act, then check the following if applicable:

- Addendum #1 for Site Plan approval is attached.
- Addendum #2 for Subdivision approval is attached.

Signature of Owner (if other than applicant) _____

Signature of Applicant _____

Sworn and subscribed before me this _____ day of _____, 20____

NOTARY SEAL

Notary signature

(Note: the signature(s) must be sworn to before a Notary Public or Attorney of N.J.)

If applicant is represented by an attorney or engineer, please complete the following:

Name of Attorney or Engineer _____

Address _____

Telephone Number _____ Fax Number _____

CERTIFICATION

Certification is hereby made by _____ that the plans included in this variance package agree with the Letter of Denial given by the Zoning Officer, also included in this variance package, and they have not been revised in any manner.

I realize that if they have been revised, a new Letter of Denial must be applied for so all documents match with the variances requested. The Board of Adjustment will only hear applications that are in complete agreement with the Zoning Officer's findings.

Applicant

Applicant

Date: _____

SUBJECT: CERTIFICATION OF TAXES PAID FOR MEETING OF _____

DATE:

Applicant's name _____

Owner's name _____

Address _____

Property known as:

Block(s) _____

Lot(s) _____

Taxes \$ _____ Paid through _____

Account # _____

Remarks: _____

I hereby certify that the above is correct to the best of my knowledge.

Date

Tax Collector, Borough of Brielle

**APPLICATION FOR CERTIFIED LIST
VARIANCE/SITE PLAN/PRELIMINARY MAJOR SUBDIVISION**

To: Tax ~~Assessor~~, ^{COLLECTOR}

Date: _____

Property description on which hearing is requested:

Block(s) _____ Lot(s) _____

Street _____

Presently assessed to: _____

Person to receive list _____

Address _____

Phone Number _____

Mail ()

Call ()

Hearing date _____

Signature of applicant or agent

Fee of \$10.00 submitted on _____
Date

Signature of Clerk

Borough of Brielle
Board of Adjustment

Take notice that on the _____ day of _____, a hearing will be held before the Brielle Board of Adjustment for a variance application for property known as Block _____, lot(s) _____, street address of _____, so as to permit:

In violation of the following Article and Section of the Brielle Zoning Ordinance:

The hearing will be held at 7:30 P.M. in the Borough Hall, 601 Union Lane, Brielle. The maps and documents pertaining to this application are on file in the office of the Board of Adjustment and are available for inspection during normal business hours.

Any interested party may appear at this hearing and participate in accordance with the rules of the Board of Adjustment.

Applicant(s) name

Owner(s) name (if different from Applicant)

(This notice MUST be published in an official newspaper of the Board of Adjustment at least 10 days before the hearing date, as well as property owners within 200 feet)

ORDINANCE NO. 1011

**AN ORDINANCE TO AMEND CHAPTER
TWENTY, SECTION SIX, SUB-SECTION
SEVEN (20-6.7) OF THE CODE OF THE
BOROUGH OF BRIELLE ENTITLED "LAND
USE FEES"**

BE IT ORDAINED, by the Governing Body of the Borough of Brielle as follows:

That Section 20-6.7 entitled "Fees" as currently included in the Municipal Code under the overall heading of "Land Use" be amended to incorporate the following new fee schedule:

20-6.7 Fees.

The Municipal Agency shall charge fees for administration of its functions, powers and duties as follows:

- a. Base Fees. The following non-refundable fees shall be payable in connection with the following schedule of land use development applications to the Planning Board. The base fees provided for herein have been established to cover the cost of the administrative scheduling and coordination in conjunction with normal applications. Applicants will be required to post escrow fees, as provided for under subsection 20-6.7e, to cover all billings submitted by Board Professionals associated with services rendered in conjunction with individual applications.

| | |
|--|-------------------|
| 1. Site Plans | |
| Minor Site Plan | \$300.00 |
| Preliminary Major Site Plan | \$500.00 |
| Final Major Site Plan | \$250.00 |
| 2. Subdivisions | |
| Minor Subdivision | \$300.00 |
| Major Subdivision Sketch Plat | \$500.00 |
| Preliminary Major Subdivision | \$1,000.00 |
| Final Major Subdivision | \$350.00 |
| 3. Variance and Design Waiver Applications | |
| Bulk Variance | \$100.00 |
| Use Variance | \$500.00 |
| Special Permit Permit to construct on a Mapped street or public Drainage way, flood Control basin or public area reserved as described in N.J.S.A. 40:550-76 | \$500.00 |
| Appeals (Pursuant to 40:55D-70(a)) | \$300.00 |
| Design Waivers (1) | \$300.00 |
| Design Waiver – Each Additional | \$100.00 |
| 4. Special Meetings (requested by Applicant) | \$1,200.00 |

| | |
|---|--|
| 5. Pre-application Review for Subdivisions or Site Plans | \$500.00 |
| 6. Re-Zone application | \$1,000.00 |
| 7. Abridged Site Plan | \$500.00 |
| 8. Informal Review of Concept Plan for Development pursuant to N.J.S.A. 40:55D-10.1 and sub-section 20-7.15 | \$300.00 towards fee for review of an application for development, if any. |

- b. Fees for Revisions Submitted After Initial Meeting. In the event applicant submits a revision subsequent to the initial meeting in which an application shall be heard, the applicant shall tender an additional fee of one-half (1/2) of the application fee set forth above for each such revision.
- c. Consultation with Planning Board Professional Staff, Reimbursement of Costs. The applicant is hereby advised that he may consult with any member of the Brielle Planning Board Professional Staff prior to any meeting with the provision that the applicant submit a letter indicating that he will reimburse the Board for any costs incurred by the Board due to such consultation.
- d. Costs of Multiple Forms of Relief. In the event an applicant is seeking multiple forms of relief, such applicant shall pay the fee for each such form of relief. For example, in the event the applicant is seeking a preliminary and final site plan approval of a project, including a single variance, the applicant shall pay:

| | |
|-----------------|------------------------|
| \$500.00 | -Preliminary Site Plan |
| \$250.00 | -Final Site Plan |
| <u>\$100.00</u> | -Variance |
| \$850.00 | -Total Base Fee |

- e. Refundable Escrow Fees. These fees, in the amounts listed below, are to be known as Refundable Escrow Account, to be maintained by the Borough Treasurer. Such amounts shall be paid, at the request of the Board, in cash, certified check or money order and no further action will be taken until such fee is received.

All costs, expenses and fees incurred by the board, for the services of a planner, engineer, attorney or other professional consultant or expert during the application review process shall be paid by the board from the escrow funds. When the escrow balance has become depleted, to twenty (20%) percent of the original amount, the Board may require the deposit of such additional amounts as are deemed necessary.

Unit charges of experts, consultants and other professionals, shall be in accordance with rates normally charged the municipality or board for similar work.

Upon final action with regard to the application (including withdrawal or dismissal), the Borough Treasurer shall provide the applicant with an accounting of the escrow funds, itemizing each individual disbursement. Where the escrow balance exceeds the aggregate of additional costs associated with the application, the difference, along with interest, if required by N.J.S.A. 40:55D-53.1, will be refunded. In the event that the additional costs exceed the escrow balance, the applicant shall be required to satisfy such deficiency before any plats will be signed or permits issued.

| | |
|---------------------------------|-----------------|
| 1. Site Plans | |
| Minor Site Plan | \$1,000.00 |
| Preliminary Major Site Plan | \$2,500.00 |
| Final Major Site Plan | \$1,500.00 |
| 2. Subdivisions | |
| Minor Subdivision | \$1,500.00 |
| Major Subdivision Sketch Plat | \$1,000.00 |
| Preliminary Major Subdivision | \$2,500.00 |
| Final Major Subdivision | \$1,500.00 |
| 3. Variance Applications | |
| Variance | \$300.00 |
| Interpretation of the Land | |
| Use Ordinance or map | \$500.00 |
| Special Permit: | |
| Permit to construct on a | |
| Mapped street or public | |
| Drainage way, flood | |
| Control basin or public | |
| Area reserved as described | |
| In N.J.S.A. 40:550-76 | \$1,000.00 |
| Appeals (Pursuant to | |
| 40:55D-70(a)) | \$500.00 |
| Design Waivers | \$100.00 (each) |
| 4. Preapplication Review | |
| for Subdivision or Site | |
| Plans | \$500.00 |
| 5. Re-Zone Application | \$1,000.00 |

BE IT ORDAINED, that all Ordinances, or parts of Ordinances inconsistent with the foregoing are hereby repealed, but only to the extent of the inconsistency.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon passage and publication according to law.

Attest: Thomas F. Nolan
Thomas F. Nolan
Municipal Clerk

Thomas B. Nicol
Thomas B. Nicol
Mayor

Introduced: June 13th, 2011
Adopted: June 27th, 2011

**Meeting Procedures
of the
Brielle Zoning Board of Adjustment**

1.0 Purpose

This document defines the role of the Brielle Zoning Board of Adjustment (Board) and the procedural aspects of its meeting.

2.0 Scope

This procedure applies to all applicants and applications filed with the Zoning Board of Adjustment.

3.0 Nature of the Board

The Zoning Board of Adjustment is a statutory entity whose primary function is to hear and decide development applications for properties which do not conform to Zoning Ordinance requirements. The Board functions in a quasi-judicial manner and necessarily becomes involved in a judicial-like weighing process which balances the interests of the property owner against the interests of the community in general.

Because of its quasi-judicial nature, it is improper for the Board to render any informal or advisory opinions as to the meaning or interpretation of the Zoning Ordinance or whether a proposed use would or would not violate the Zoning Ordinance.

4.0 Conduct of Meetings

The following are basic procedures that the Board adheres to for all applications regardless of the relief being sought.

- 4.1 At the time of hearing, the applicant and any other party shall appear in person or be represented by an attorney. A corporation must be represented by an attorney.
- 4.2 When a case is called, the applicant or applicant's attorney shall identify oneself and generally indicate the relief being sought.
- 4.3 The applicant or applicant's attorney shall then present testimony by way of witnesses, documentary evidence and exhibits which the applicant intends to rely upon to establish a right to the relief sought.
- 4.4 All documentary evidence or exhibits will be marked for identification or evidence prior to any direct testimony relating to the documents. These documents are retained by the Board and will become part of the public record.

- 4.5 All persons shall be sworn before giving testimony.
- 4.6 At the end of testimony of each witness, the Chairperson will permit reasonable cross-examination by any attorney representing an objector or allow any member of the public to ask questions relating to the testimony if they are not represented by an attorney.
- 4.7 Where a group of interested parties is represented by an attorney, the attorney shall present a list of the clients to the Chairperson and such persons shall participate in the proceeding only through their attorney.
- 4.8 After the applicant has completed presenting the application, the attorney for any objector may then present objections by calling witnesses and introducing documentary evidence. Each witness shall be subject to reasonable cross-examination by the applicant or applicant's attorney and the Chairperson shall allow members of the public to ask questions relating to the testimony.
- 4.9 After all of the evidence has been presented to the Board in support of or in opposition to the relief sought by the applicant, the Chairperson shall open the meeting to the public to allow any member of the public to testify concerning the application. Any person testifying shall first be sworn and be subject to cross-examination by the applicant or the applicant's attorney.
- 4.10 Rebuttal testimony or evidence shall be admitted in such order as the Chairperson shall designate.
- 4.11 All witnesses may be cross-examined by any member of the Board, the Board Attorney, Board Engineer or any interested party.
- 4.12 Any member of the Board may place relevant evidence before the Board relating to their personal or official knowledge, strictly for the purpose of amplifying the record, including facts ascertained from the viewing of the property and the general area.
- 4.13 The Board may also take testimony from any expert witness employed by it and such expert shall be subject to cross-examination by the applicant or applicant's attorney.
- 4.14 At the conclusion of the above, the Chairperson shall declare the hearing closed and further evidence will not be received.
- 4.15 The Board will deliberate on the applicant, and later adopt a written resolution approving or denying the development application.

**Request for Taxpayer
 Identification Number and Certification**

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

| | | |
|---|--|--|
| Print or type See Specific Instructions on page 2. | Name (as shown on your income tax return) | |
| | Business name/disregarded entity name, if different from above | |
| | Check appropriate box for federal tax classification (required): <input type="checkbox"/> Individual/sole proprietor <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) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____ | |
| | <input type="checkbox"/> Exempt payee | |
| Address (number, street, and apt. or suite no.) | | Requester's name and address (optional) |
| City, state, and ZIP code | | Borough of Brielle 601 Union Lane Brielle, NJ 08730 |
| List account number(s) here (optional) | | |

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

| Social security number | | | | | | | | |
|------------------------|--|--|--|--|--|--|--|--|
| | | | | | | | | |

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

| Employer identification number | | | | | | | | |
|--------------------------------|--|--|--|--|--|--|--|--|
| | | | | | | | | |

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).

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 on page 4.

| | | |
|------------------|----------------------------|--------|
| Sign Here | Signature of U.S. person ▶ | Date ▶ |
|------------------|----------------------------|--------|

General Instructions

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

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.