

City of Burlington



Land Use Board Application 2017 Packet

CITY OF BURLINGTON
2017 SCREENING BOARD SCHEDULE

January 4, 2017 meeting.... December 30, 2016
February 1 meeting.... deadline January 27
March 1 meeting.... deadline February 24
April 5 meeting.... deadline March 31
May 3 meeting.... deadline April 28
June 7 meeting.... deadline June 2
July 5 meeting.... deadline June 30
August 2 meeting.... deadline July 28
September 6 meeting.... deadline September 1
October 4 meeting.... deadline September 29
November 1 meeting.... deadline October 27
December 6 meeting.... deadline December 1

The City of Burlington Screening Board is an informal Committee of the Land Use Board who assists the public with their land and property development application.

Screening Board Sessions are generally held on the first Wednesday of each month in the City Hall Council Chambers, 525 High Street, beginning at 3:15 PM.

Those interested persons who wish to have an application/proposal reviewed by the Committee must submit a letter that includes as much information regarding the proposal as possible. The proposal should include the exact location (which includes block and lot) as well as a survey, if building is proposed. The Committee reviews information such as adequate parking, days/hours of operation, ingress/egress, environmental issues, number of employees, drainage, etc.

The letter should also include a contact name, daytime telephone number and e-mail address. The letter should be forwarded to the City of Burlington, 525 High Street, Burlington, N.J. 08016, Attention: Justin C. Vining Jr., Board Secretary. Fax transmissions are to be sent to: (609) 386-1195 or E-mail address: jvining@burlingtonnj.us.

After submission of the request by the above deadline, the contact person will be contacted in the beginning of the first week of that month they requested to appear and informed of a more approximate time to appear. Interested persons are generally scheduled in 15 minute intervals.

If clarification is needed on the above, please contact Mr. Vining by E-mail at: jvining@burlingtonnj.us or by calling (609) 386-0200, Extension 123.

CITY OF BURLINGTON
2017 LAND USE BOARD SCHEDULE

January 25, meeting.... deadline January 10
February 22 meeting.... deadline February 7
March 22 meeting.... deadline March 7
April 26 meeting.... deadline April 11
May 24 meeting.... deadline May 9
June 28 meeting.... deadline June 13
July 26 meeting.... deadline July 11
August 23 meeting.... deadline August 8
September 27 meeting.... deadline September 12
October 25 meeting.... deadline October 110
MONDAY November 20 meeting....deadline November 1
December Meeting.... TBD
Reorganization Meeting 1/24/18

The City of Burlington Land Use Board Meetings are generally held on the fourth Wednesday of each month in the City Hall Council Chambers, 525 High Street beginning at 7:00 PM.

Complete Land Use Board Applications are to be submitted no later than the deadline to: City of Burlington, 525 High Street, Burlington, N.J. 08016, Attention: Justin C. Vining Jr., Board Secretary.

Questions may be addressed by contacting Mr. Vining at jvining@burlingtonnj.us or (609) 386-0200, Extension 123.

**INSTRUCTIONS FOR FILING A ZONING APPLICATION WITH THE CITY OF BURLINGTON LAND
USE BOARD**

1. All applications should be filed on forms provided by the Board Secretary. If an applicant uses his or her own forms, all information required on the City's form must be included.
2. No Application will be deemed complete until the following items are received:
 - A. A completed application form.
 - B. The required hearing fee
 - C. The required number of copies of drawings, plans, etc.
3. Applicant shall submit to the Secretary, at the time of request for a hearing, (15) fifteen copies of a plot plan (survey) showing Block and Lot numbers, dimensions of the lot, dimensions of the present and proposed structures.
4. **NO LESS THAN (10) TEN DAYS** prior to the hearing date, the applicant must give personal notice to all owners of property within or without the municipality, and where required – counties, municipalities and state by sending written notice thereof by certified mail to the last known address of the property owner(s) or officials. All addresses shall be obtained by the applicant from a list of property owners prepared by the Tax Assessor's Office (609) 386-0200 x123 upon request by an applicant and payment of the required fee for the list of property owners, \$10.00.
5. The notice shall contain the time, place and date of the meeting, a description of what is proposed, the address of the property as well as block and lot and name of applicant.
6. **NO LESS THEN (10) TEN DAYS** prior to the hearing date, the applicant must give public notice by publication in the official newspaper of the City or in a newspaper of general circulation within the City. The advertisement must contain the same information that was sent to property owners within 200' of the property in question.
7. After giving notice to property owners, applicant shall prepare and sign before a Notary Public, (1) one copy of an Affidavit of Proof of Service, which can be found in the application packet. It shall be submitted together with a copy of the required Notice to Property Owners and a copy of the 200' list to the Board Secretary no later than (5) five days prior to the scheduled hearing date.
8. The Board Secretary will make the determination whether the application is complete upon receipt & review of the items list under #2 above, the Board Secretary has (45) forty-five days to make that determination and if an application is deemed complete a hearing date will be assigned. No applicant shall make or set their own hearing date. The Board has (120) one hundred and twenty days from the time the application is deemed complete to make a decision on the application.

Instruction for Zoning Application:

9. Board Secretary:

Justin C. Vining Jr., CTA
525 High St.
Burlington, NJ 08016
Phone: (609) 386-0200 x123
Fax: (609) 386-1195
jvining@burlingtonnj.us

10. The regular monthly meeting of the Land Use Board is generally held on the fourth Wednesday of each month at 7pm in the Council Chambers in City Hall, 525 High St., Burlington, NJ 08016. (Use Belmont St. Entrance)

11. In order to ensure expeditious processing of the appeal/application, the applicant should be careful to comply fully and promptly with all requirements as noted herein and noted verbally by the Board Secretary.

12. After a decision is made by the Board, a written resolution will be prepared. This resolution will be memorialized for accuracy as to what occurred. Memorialization will normally take place at the Board's next regular meeting. After memorialization of the resolution, the Secretary shall publish a Notice of Decision in a newspaper of general circulation within the municipality. This commences the running of the (45) forty-five day period in which an appeal of the Board's decision can be filed. Any action taken by the applicant as a result of the decision, but prior to the expiration of the (45) day appeal period from the date of publication of the Notice of Decision are done at the applicant's own risk.

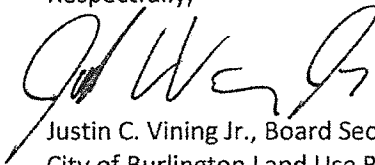
Dear Applicant:

Please be advised if an escrow fee is required along with an application fee that (2) two checks will be required when submitting an application.

Both checks should be made payable to the **City of Burlington**. One check will be for the application fee and the other for escrow account opening. Please note if invoices from the Land Use Board professionals total more than the initial escrow fee you will be billed accordingly. All Board professionals are required to forward copies of invoices to you.

Be Advised that approximately (3) three months after your application has been memorialized you shall need to send a written request to close the escrow account to the Board Secretary, in turn would consult with the Board's professionals to ensure all billings have been satisfied. After it is verified that all billings are satisfied the account closing process will begin.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin C. Vining Jr.", written in a cursive style.

Justin C. Vining Jr., Board Secretary
City of Burlington Land Use Board

City of Burlington Land Use Board

New Escrow Set-Up Form

Escrow Number _____ Amount: _____

Name: _____

Mailing Address: _____

State & Zip _____

Description: _____

Block #: _____ Lot#: _____

Contact Name: _____

Contact Phone: _____

Contact Email: _____

Property Address: _____

if different from above

Type of Account (check one)

_____ Inspections _____ Site Planning

_____ Use Variance _____ Site Variance

_____ Redevelopment

Interest Distribution to: _____ City: _____ Client: _____

Developer Contact Information (if applicable)

Phone: _____ Email: _____

ESCROW AGREEMENT

THIS AGREEMENT made this _____ day of _____, 20____, _____ (Name of Applicant) is hereinafter referred to as the "Applicant", the "Owner" of the property ("Owner") if a different person or entity owns the property than the Applicant, the Land Use Board of the City of Burlington is hereinafter referred to as "Board", and the City of Burlington in the County of Burlington is hereinafter referred to as "City".

WHEREAS, the Applicant is proceeding under the City's Zoning Ordinance, the City's Subdivision Ordinance, and/or New Jersey's Redevelopment and Housing Law (collectively known as the "Ordinances"), for approval of a project known as _____; and

WHEREAS, the Ordinances require the Applicant to establish an escrow whereby work required to be performed by professionals employed by the Board and/or the City will be paid for by the Applicant, as required under the provisions of the Ordinances cited above; and

WHEREAS, the escrow to be established for the Applicant is for (check):

_____ Land Use Board Escrow
_____ Redevelopment Escrow
_____ Inspection Escrow

NOW, THEREFORE,

SECTION 1. PURPOSES

The Applicant agrees to pay all reasonable professional fees incurred by the Board and/or the City for the performance of its duties. The Owner agrees that if the Applicant does not pay the full amount due of any escrow balances on this application, that the Owner agrees that the City is entitled to enforce the amount due on the escrow against the Applicant and/or the Owner, including seeking a judgment for the sums due which judgment will attach to the property for which the Applicant has sought relief.

SECTION 2. ESCROW ESTABLISHED

The Applicant hereby creates an escrow to be established within the City's Finance Department, with an initial escrow deposit in the amount of \$_____.

SECTION 3. ESCROW FUNDED

The Applicant, upon execution of this agreement, shall pay to the City such sums as are required by Ordinance, or as determined by the City acting as the Redevelopment Entity, to be deposited in the repository referred to in Section 2.

SECTION 4. INCREASE IN ESCROW FUND

If, during the existence of this Escrow Agreement, the funds held by the escrow shall be insufficient to cover any voucher or bill submitted by the professional staff and reviewed and approved by the City, the Applicant shall, within fourteen (14) days of receipt of written notice, deposit additional sums with the escrow holder to cover the amount of the deficit referred to above and also any such additional amount reasonably anticipated by the City to be needed to complete the application process. **Additionally, until such funds are fully replenished, no further consideration, review, processing of any pending application or session with the Land Use's Screening Board shall be permitted by the Land Use Board or Redevelopment Entity, nor shall any further inspections be performed by or on behalf of the City until such additional escrow has been deposited.** Failure to post sufficient escrow funds to cover costs incurred or anticipated shall toll the period for action by the approving authority, as required by N.J.S.A. 40:55D-1 et seq and particularly N.J.S.A. 40:55D-51 and N.J.S.A. 40:55D-73 thereby barring an applicant from seeking a default approval under N.J.S.A. 40:55D-10.4.

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

_____ NAME OF APPLICANT	_____ COMPANY NAME, if applicable
_____ ADDRESS	

_____ ADDRESS	
_____ CITY, STATE, ZIP	_____ TELEPHONE #
_____ NAME OF PROPERTY OWNER	_____ COMPANY NAME, if applicable
_____ ADDRESS	
_____ ADDRESS	
_____ CITY, STATE, ZIP	_____ TELEPHONE #

Unless otherwise shown, receipt shall be presumed to have occurred three (3) days after mailing. The notice required under this paragraph shall be in the form of a Project Account Statement sent from the City of Burlington.

After a period of forty five (45) days from the notice from the City, the applicant's failure to deposit the additional funds shall be grounds for denial of the application or for dismissal of the application without prejudice and will bar any appeal. In the event the Board, or the City, approves the application, the obligation to pay for professional plan reviews fees by depositing the full amount of the funds due to be paid in escrow shall be a condition of the approval granted by the Board. If the escrow funds are depleted, after the application is filed or granted, the applicant shall pay additional funds upon demand within the aforementioned fourteen (14) day period. The failure to pay the demanded funds may also result in a voiding of any prior approvals upon due notice to the applicant by the Board, or City. In addition to the foregoing, the Applicant and the Owner (if different from the Applicant) both hereby

agree that in the event the reasonable and necessary amounts charged by the professionals for review of the application are not paid, the outstanding fees shall be deemed a lien on the above-described property and shall be collectable as in the case of taxes by the adoption of a resolution by the City governing body upon receipt of a certification that the amounts are due and owing pursuant to this agreement. Negative escrow balances shall incur interest at 1.5% per month.

In the event of the sale or transfer of property which is the subject of a development application or a change in the identity of the applicant, all funds on deposit pursuant to this agreement shall run with the development application affecting the property in questions and shall be considered to be the asset and/or obligation of any subsequent owner or applicant unless the initial owner or applicant provides written notice to the approving authority, and to the professionals providing review services, that the initial owner or applicant has specifically reserved ownership rights of the escrow account. In the event such a notice is received by the City officials and professionals, no further review shall be undertaken by relevant professionals until the new or subsequent owner or applicant has established an escrow account and signed an escrow agreement.

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 vouchers conforming to the requirements established by the City 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 City 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 City shall process 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 City. 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.

SECTION 7. APPLICANT NOTIFICATION TO DISPUTE CHARGES

Pursuant to N. J. S. A. 40:55D-53. et seq. applicants shall notify in writing City of Burlington, Department of Community Development, and the professional whenever applicants disputes the charges made by a professional for service rendered to the municipality in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made. The City, or its designee, shall within a reasonable time period attempt to mediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the Burlington County Construction Board of Appeals.

SECTION 8. RETURN OF UNUSED ESCROW FUNDS

Escrow funds cannot be refunded for at least one hundred twenty (120) days from the time of a final decision of the Board or the City. After one hundred twenty (120) days, a request to refund unused escrow may be made by letter.

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

PRINTED NAME OF APPLICANT

SIGNATURE (Applicant*)

PRINTED NAME OF PROPERTY OWNER

AUTHORIZED SIGNATURE (Owner*)

ORIGINAL: TO CITY
COPY TO: APPLICANT
LISA SCHILLER

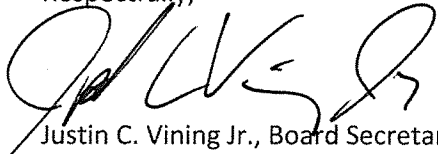
Dear Applicant:

Please be advised the attached "Tax Collector's Certification" needs to be completed and sign off by the City's Tax Collector.

This form must be completed and presented by the applicant to the Board Secretary in order for the application to be placed on the Land Use Board's agenda. You're account must be kept current.

A copy of the resolution memorializing the Board's actions will be forwarded to you upon verification that all taxes and escrows are current. Typically resolutions are memorialized at the following months meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin C. Vining Jr.", written over a horizontal line.

Justin C. Vining Jr., Board Secretary
City of Burlington Land Use Board

CITY OF BURLINGTON
Tax Collector's Certification

**To: City of Burlington/Land Use Board Secretary
City Hall, 525 High Street
Burlington, NJ 08016**

In regard to the Application of: _____

Involving: **Block** _____ **Lot** _____

Street Address: _____

Name and Address of Property Owner IF DIFFERENT
from Applicant:

I HEREBY CERTIFY THAT:

- () There is due to the City of Burlington on account of property described above the following:

Taxes: _____

Assessments: _____

Water and/or _____
Sewer Charges _____

Total Amount Due: \$ _____

- () All taxes, assessments, water and/or sewer charges on the above property are paid in full.

Dated: _____

TAX COLLECTOR

NOTICE TO PROPERTY OWNERS

TO WHOM IT MAY CONCERN:

In compliance with the Zoning Ordinance of the City of Burlington, NJ, notice is hereby served upon you to the effect that (I) (WE) (Name) _____ do hereby propose to (give detailed information):

Property Location: _____

(The Zoning Officer of the City of Burlington, NJ, refused this request by reason of its being in violation of Section _____ of the Zoning Ordinance, from which (I) (WE) have applied to the Land Use Board for a (HARDSHIP) (USE) variance, (together with subdivision ____, site plan ____, or conditional use ____ approval).

Any person(s) affected by this (APPEAL) (APPLICATION) may have an opportunity to be heard at the meeting to be held on _____ at 7PM in City Hall, 525 High Street, Burlington, NJ (use Belmont Street entrance). All documentation relating to the application may be inspected by the public by contacting the Board Secretary Justin C. Vining Jr. at the City's Tax Assessor's Office, City Hall, 525 High Street, Burlington, NJ or by calling (609) 386-0200 ext. 123.

APPLICANTS SIGNATURE

NOTE TO APPLICANT: This notice must be personally served or sent certified mail at least ten (10) days prior to the date of the hearing & proof of service submitted to the Board Secretary at least five (5) days prior to the meeting date.

AFFIDAVIT OF PROOF OF SERVICE

PLANNING BOARD OF THE CITY OF BURLINGTON, NJ

Proof of service of notices required by statute must be filed and verified with the Board Secretary at least five (5) days prior to the meeting or the case will not be heard.

State of New Jersey)
County of Burlington) SS.

_____, of full age, being duly sworn according to law,
deposes and says that (SHE) (HE) resides at _____
in the municipality of _____
County of _____ and State of _____
that (SHE) (HE) is/are the applicant(s) in a proceeding before the City of Burlington
Planning Board in Burlington City, NJ, being an appeal or applicant under the Zoning
Ordinance, and which is Case No. _____ and relates to premises known as
_____; and that on _____ (SHE)
(HE) gave written notice of the hearing on this application to each and all of the persons upon
which service must be made, in the required form and according to the attached list and in the
manner indicated thereon.

APPLICANTS SIGNATURE

Sworn and Subscribed before me

this ____ day of _____, 20__.

Note To The Applicant: Attach list of all persons served. Include receipts.

zbaffid

Effective: 4/13/06

6. Section 3.20.130 of the City of Burlington Municipal Code is amended to read as follows:

3.20.130 Planning and Zoning

	Fee	
A. Informal or Preliminary Discussion.		
1. Informal or preliminary discussions scheduled to meet informally with the board, if done without professional assistance of board	N/C	
2. Informal or preliminary review performed with professional legal and engineering review	\$50	
B. Major Site Review		
1. Preliminary plans.	Site Plan / Sub Division	
a. application	\$150 / \$200	
b. escrow accounts	*\$500 + \$100/acre / \$500 + \$150/lot *note: If residential, escrow shall be \$500 + \$100 per dwelling unit	
i. legal	Included in escrow above	
ii. Engineering	Included in escrow above	
iii. Advertising	Included in escrow above	
c. Total minimum cost	\$750 / \$1,150	
2. Final plans	Site Plan / Sub Division	
a. application	\$150 / \$200	
b. escrow accounts	*\$500 + \$100/acre / \$250 + \$100/lot *note: If residential, escrow shall be \$500 + \$100 per dwelling unit	
i. Legal	Included in escrow above	
ii. Engineering	Included in escrow above	
iii. Advertising	Included in escrow above	
c. Total minimum cost	\$750 / \$750	
d. Inspections during construction by engineer	In accordance with NJ Municipal Land Use Law	
C. Minor site and/or sketch plan review		
1. Application	\$100	
2. Escrow accounts	\$500	
a. Legal	Included in escrow above	

b. Engineering	Included in escrow above		
c. Advertising	Included in escrow above		
3. Total minimum cost	\$600		
D. Waiver from Site Plan Review (change of use)			
1. Preliminary Plans			
a. Application	\$50		
b. Escrow accounts	\$125		
i. Legal	Included in escrow above		
ii. Engineering	Included in escrow above		
iii. Advertising	Included in escrow above		
c. Total minimum cost	\$175		
d. Inspections during construction by engineer	In accordance with NJ Municipal Land Use Law		
E. Minor Subdivision Review			
1. Application	\$100		
2. Escrow accounts	\$500		
a. Legal	Included in escrow above		
b. Engineering	Included in escrow above		
c. Advertising	Included in escrow above		
3. Total minimum cost	\$600		
F. Zoning Variances			
App Fee/ Escrow / Total			
1. Hardship variances application fee			
a. Residential	\$75	\$100	\$175
b. Commercial	\$100	\$500	\$600
c. Industrial	\$100	\$500	\$600
2. Use variance application fee			
a. Residential	\$75	\$100	\$175
b. Commercial	\$100	\$500	\$600
c. Industrial	\$100	\$500	\$600
3. Sign variance application fee			
a. Residential	\$50	\$100	\$150
b. Commercial	\$75	\$250	\$325
c. Industrial	\$75	\$250	\$325
G. Miscellaneous Fees			
Reproduced copies of minutes, resolutions, etc.	In accordance with OPRA, NJSA 47:1A		
Original typed transcripts of verbatim testimony from tapes	\$2.00/page		

ORDINANCE NO. 10-2009 OF THE CITY OF BURLINGTON, AMENDING TITLE 3—REVENUE AND FINANCE, CHAPTER 3.20—SCHEDULE OF FEES FOR CITY SERVICES, OF THE CODE OF THE CITY OF BURLINGTON TO AMEND VARIOUS FEES

11. Title 3, Chapter 3.20 ("Schedule of Fees for City Services"), Section 3.20.130, ("Planning and Zoning"), shall be amended to as follows:

Subsection 3.20.130(F) shall be amended as follows:

F. Zoning Variances	App Fee	Escrow	Total
1. Hardship Variances			
Application Fee			
a. Residential	\$75.00	\$100.00 \$200.00	\$275.00
b. Commercial	100.00	500.00	600.00
c. Industrial	100.00	500.00	600.00
2. Use Variance application fee			
a. Residential	75.00	100.00 200.00	275.00
b. Commercial	100.00	500.00	600.00
c. Industrial	100.00	500.00	600.00
3. Sign variance application fee			
a. Residential	50.00	100.00	150.00
b. Commercial	75.00	250.00	325.00
c. Industrial	75.00	250.00	325.00

Effective 5/4/09

H. List of Property Owners		
To obtain a certified list of property owners to serve notice pursuant to R.S. 40:55D-12C	\$10 or 0.25/name, whichever is greater	
I. This section deleted		
J. Conditional Use	App Fee/ Escrow / Total \$150 / \$500 / \$650	