

BOARD OF ADJUSTMENT

The Town of Clinton

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

Rules & Procedures

The Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment.
- 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 Fifteen(15) complete copies shall be prepared. One of the copies shall be filed with the Zoning Officer and the others with the Secretary of the Board of Adjustment.
- 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 Fifteen (15) 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 Board of Adjustment 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 Board of Adjustment 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 Board of Adjustment of Fifteen (15) 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.

