Borough of Emerson

LAND USE BOARD

LAND USE BOARD APPLICATION PACKET

LAND USE APPLICATION PROCEDURES

This packet contains the instructions for submitting an application, and the application forms, to the Emerson Land Use Board.

1. FILING THE APPLICATION:

- An application for development is an application certified as complete by the Secretary of the Board. An application will not be considered complete until all required forms, fees and plans have been submitted.

- Different types of applications require different submissions. All applicants are required to submit the "General Application," which can be found on page 12. All applications must include everything found on Checklist A, found on page 16. The additional submission requirements for each application can be found on pages 16-17.

- A written waiver request is required if an applicant does not provide all of the submission requirements for their application.

- A signed Escrow Agreement and W-9 tax form must be submitted with all applications.

- The applicant must request a Tax Search and submit the associated ten-dollar ($10) fee to the Tax Collector. A search for municipal tax liens will show whether there are any outstanding taxes or liens on the subject property. This search results showing all taxes are paid and current must be provided before an application will be deemed complete.

- All applicants or property owners that are incorporated must be represented by an attorney. Any employed professionals and experts for the applicant will be certified that they possess the appropriate New Jersey licenses prior to any testimony at the Land Use Board hearing. The lack of a New Jersey license does not prohibit an individual from testifying but will preclude her or his ability to be certified as an expert witness by the Land Use Board.

- For any Corporation or Partnership applying for a variance for non-residential purposes or to construct a multi-residential dwelling of twenty-five (25) or more units, a list of the names and addresses of all stockholders or individual partners owning at least 5% of its stock of any class or 5% interest in the partnership and an affidavit verifying its accuracy.

2. COMPLETENESS REVIEW & SCHEDULE OF MEETINGS:

- Once submitted, the application will be transmitted to all applicable Borough departments and professionals for review.

- The application and all documentation submitted will be reviewed and checked to ensure that all items required for submission in the Application Checklist have been submitted.

- If any required items have not been submitted, a "Completeness Review" will be sent to the applicant (within forty-five (45) days of submission) indicating which items are outstanding. The required outstanding items must be addressed prior to being scheduled for a hearing. A hearing will not be scheduled until all required items are submitted.

- Once all necessary items are submitted, the application will be deemed complete and formally scheduled for a hearing date.

- The Board Secretary will notify the applicant of the date that the application is scheduled to be heard by the Emerson Land Use Board.

- An application must be heard by the Land Use Board within one-hundred twenty (120) days of being deemed complete.

- The Emerson Land Use Board holds regularly scheduled meetings on the first and third Thursday of every month, except holidays, at 7:30 pm, in the Council Chambers, located on the second floor, of Emerson Borough Hall, 146 Linwood Avenue, Emerson, New Jersey 07630.

- The Land Use Board agenda is posted on the Borough website at www.emersonnj.org.

3. PUBLICATION OF NOTICE OF HEARING:

- The applicant is responsible for publication of the notice of hearing in The Record and The Ridgewood News.

- The notice must appear in The Record and The Ridgewood News at least ten (10) calendar days before the hearing date. If the notice does not appear in the Record and Ridgewood News at least ten-days (10) in advance of the hearing, the application will not be heard on the scheduled date.

- The notice should not appear in The Record and The Ridgewood News until the application has been deemed complete and formally scheduled for a Land Use Board Hearing.

- The Record and The Ridgewood News will send you an affidavit of proof of publication. This affidavit of proof must be submitted to the Board Secretary.

4. NOTICE TO PROPERTY OWNERS:

- At least ten (10) days prior to the date of the hearing, the applicant must give Notice of the Public Hearing as follows:

  - To all property owners located within two-hundred feet (200 feet) in all directions of the subject parcel.
  - To the Clerk of any adjoining municipality within two-hundred (200 feet) of the property, if any.
  - To the Bergen County Land Use Board, in the event the property fronts on an existing for proposed County road or adjoins other County land or is situated within two-hundred (200) feet of a municipal boundary.
  - To the Commissioner of Transportation of the State of New Jersey, if the property is adjacent to a State Highway.
  - To the State Planning Commission, if the application concerns development of property in excess of one-hundred fifty (150) acres or five hundred (500) dwelling units, including plans and documents filed with the Township.

- A Certified List of the property owners within two-hundred feet (200) of the subject property must be obtained from the Tax Assessor's Office by completing the Property List Request form and paying a fee of ten dollars ($10) to the Borough of Emerson, The Property List Request form can be found on page 7, Form A.

- Should the application need a certified list of property owners in adjoining municipalities, the applicant must contact that municipality to request a certified list.

- Notice of the hearing may be made by Certified Mail, Return Receipt Requested, or by personal service, as set forth in NJSA 40:55D0-12.

- Notice to a partnership owner shall be made by service upon any partner. Notice to a corporate owner shall be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

- NOTICE BY THE APPLICANT TO AFFECTED PROPERTY OWNERS MUST BE GIVEN AT LEAST 10 DAYS PRIOR TO THE DATE OF THE HEARING. FAILURE TO GIVE TIMELY NOTICE WILL RESULT IN A POSTPONEMENT OF THE HEARING.

- A sample letter to be sent to the affected property owners can be found on page 9, Form C.

- Once notice has been provided, the applicant must then file an Affidavit of Proof of Service with the Emerson Land Use Board. **See Step 5.**

5. PROOF OF NOTICE:

- The applicant must prepare an Affidavit of Service to prove that notice of the hearing has been served on all owners of property within two-hundred (200) feet of the subject property.

- The affidavit should follow the form of the sample affidavit, provided on page 11, Form E.

- Copies of all certified slips with postal date stamp must be submitted with Affidavit of Service.

- If more than one person serves notice to property owners, then separate affidavits must be prepared listing the property owners served by each person.

- It is recommended that the applicant distributes all notices to all affected property owners, prepares the necessary affidavit, and presents it for review by the Board staff prior to expiration of time for service (ten days (10) prior to the hearing) so that you have sufficient time to correct any errors.

- Affidavits must be presented to the Board for review no later than two days (2) before the scheduled hearing.

6. PROOF OF PAYMENT OF TAXES:

- Every application to the Land Use Board must be accompanied by proof that no taxes or assessments for local improvements are due or delinquent of the property which is the subject of the application.

- The Planning Department staff will obtain a tax statement from the Tax Collector.

- If it is shown that taxes or assessments are delinquent, any approval or other relief granted by the board must be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provisions for the payment thereof.

7. ATTENDANCE AT HEARING:

- The applicant is required to appear before the Land Use Board in person or be represented by an attorney or agent to present his or her case before the Board.

- A corporation **MUST** be represented by an attorney. A partnership is not required to be represented by an attorney.

8. DECISIONS:

- **The Resolution.** The Resolution will be presented and memorialized by the Land Use Board within forty-five (45) days of decision. A copy of the resolution will be emailed and mailed to the applicant, applicant's attorney and professionals (as listed on the application).

- **Notice of Decision.** A Notice of Decision will be submitted by the Land Use Board to The Record and The Ridgewood News for publication within ten (10) days of the memorialization of the Resolution.

- **Time Period for Appeal.** Any party interested in appealing the decision of the Land Use Board, must do so within forty-five (45) days of the publication of the Notice of Decision.

10. OTHER MATTERS

- If you have any questions, please call or email Marie Shust, Board Secretary, boardsec@emersonnj.org, (201) 262-6086, Ext. 1351.

LAND USE APPLICATION FEE SCHEDULE

APPLICATION FEES AND ESCROW DEPOSITS. You must submit separate checks for the application fee and escrow deposit. The application fee and escrow deposit are based on the following fee schedule:

	Application Fee
Commercial Additions	$400
Commercial New Construction	$1,000
Commercial Use Variance	$750
Residential Additions (including in-ground pools)	$100
Residential New Construction	$200
Residential Use Variance	$300
Minor Subdivision, without variance	$250
Minor Subdivision, with variance	$400
Major Subdivision, without variance	$400
Major Subdivision, with variance	$750, plus $75 per lot
Minor Site Plan, with or without variance	
Major Site Plan, with or without variance	
Deck Variance	$50
Fence Variance	$50
Above-ground Pool	$50
Home Occupational Sign	$50
All Other Signs	$250
Special Meeting Request, Residential	$375 (plus, additional fees for attorney, secretary, etc.)
Special Meeting Request, Commercial	$1,000 (plus, additional fees for attorney, secretary, etc.)

	Escrow Deposit
Residential	$1,000
Commercial	$4,000
Developers, Single Family Homes	$5,000
Developers, Multifamily Homes	$3,000 per unit
Subdivision, Residential	$1,500
Subdivision, Commercial	$1,500

PROPERTY LIST REQUEST

Submit Request to: Borough of Emerson, Tax Assessor's Office.

I am requesting a certified list of property owners within two-hundred (200) feet of the below listed property. I have included the required fee of ten dollars ($10).

Date: _____ Application Number: _____

Address: _____

Owner: _____

Lot: _____ Block: _____

Requestor's Name: _____

Requestor's Address: _____

Email: _____

Phone Number: _____

Fax Number: _____

Print Name: _____

Signature: _____ Date: _____

FORM A

TREE MANAGEMENT FORM

As per Borough Ordinance 1053, Chapter 256-11 A, "no tree shall be cut or otherwise removed from lands in the Borough of Emerson unless a tree management plan has been approved by the Planning Board and a permit, based thereon, issued by the Code Enforcement Officer."

Date: _____

Lot: _____ Block: _____

Address of Tree Location: _____

Owner Name: _____
Owner Address: _____
Email: _____
Phone Number: _____ Fax Number: _____

Signature of Owner (consenting to application): _____

If the person requesting tree removal is not the owner of the tree, please fill out the below information:

Requestor's Name: _____
Requestor's Address: _____
Email: _____
Phone Number: _____ Fax Number: _____

Signature of Applicant _____

DESCRIPTION OF PROJECT: Describe briefly premises of the tree location including, the number of trees, the tree type, the trees location on the property, and the number of trees to be removed.

_____
_____

FOR BOROUGH OFFICIAL USE ONLY:

Tree Management Plan Attached? Yes ( ) No ( )
Tree Management Plan Approved? Yes ( ) No ( )

Reviewed By: _____ **Signature:** _____

FORM B

SAMPLE NOTICE OF HEARING

To: Property owners within two-hundred feet of subject property to be heard before Emerson Land Use Board

PLEASE TAKE NOTICE that the undersigned has filed an appeal or application for development with the Land Use Board of the Borough of Emerson for the relief hereinafter described, so as to permit the following:

[Include description of the use and/or construction contemplated here]

The subject property is commonly described as [address] and designated as Lot _____ and Block _____ on the Borough Tax Map, and this notice is sent to you as an owner of property located within two-hundred (200) feet of the subject property.

TAKE FURTHER NOTICE that the undersigned seeks the following relief:

[Include description of the required relief sought, such as site plan review, variances and/or waivers needed, as related to you by the Zoning Officer here.]

To the extent the application gives rise to other variances or design waivers that are presently unknown, applicant shall be seeking approval for them as well.

A Public Hearing has been set down for _____, 20____ at ____ P.M. at Emerson Borough Hall, Second Floor Council Chambers, 146 Linwood Avenue, Emerson, New Jersey.

All persons or property owners interested in this application will be heard at the aforesaid time and place. You may appear in person or by attorney and present any objections which you may have to the granting of the subject application or appeal.

All documents relating to this application may be inspected between the hours of 8:30 A.M. to 4:30 P.M. in the office of the Board Secretary, Emerson Borough Hall, Second Floor Council Chambers, 146 Linwood Avenue, Emerson, New Jersey.

This notice is sent to you by the applicant, by order of the Land Use Board.

Respectfully,
[Applicant]

FORM C

SAMPLE PUBLIC NOTICE – NEWSPAPER PUBLICATION

PLEASE TAKE NOTICE that the undersigned has filed an application or appeal for development with the Land Use Board of the Borough of Emerson as hereinafter described, so as to permit the following:

[Include description of the use and/or construction contemplated here]

The subject property is commonly described as [address] and designated as Lot _____ and Block _____ on the Borough Tax Map, and this notice is sent to you as an owner of property located within two-hundred (200) feet of the subject property.

TAKE FURTHER NOTICE that the undersigned seeks the following relief:

[Include description of the required relief sought, such as site plan review, variances and/or waivers needed, as related to you by the Zoning Officer here.]

To the extent the application gives rise to other variances or design waivers that are presently unknown, applicant shall be seeking approval for them as well.

A Public Hearing has been set down for _____, 20____ at ____ P.M. at Emerson Borough Hall, Second Floor Council Chambers, 146 Linwood Avenue, Emerson, New Jersey.

All persons or property owners interested in this application will be heard at the aforesaid time and place. You may appear in person or by attorney and present any objections which you may have to the granting of the subject application or appeal.

All documents relating to this application may be inspected between the hours of 8:30 A.M. to 4:30 P.M. in the office of the Board Secretary, Emerson Borough Hall, Second Floor Council Chambers, 146 Linwood Avenue, Emerson, New Jersey.

This notice is sent to you by the applicant, by order of the Land Use Board.

[Applicant]

FORM D

AFFIDAVIT OF SERVICE

RE: Name of Applicant: _____
Street Address: _____
Lot and Block No.: _____

STATE OF)
) **ss**
COUNTY OF)

I, _____, of full age, being duly sworn according to law, deposes and says that I reside at _____ in the Borough of _____ in the County of _____ and the State of _____; that I am the applicant in a proceeding before the Land Use Board, Borough of Emerson, being an application for a Site Plan/Subdivision/Variance from the Land Use or Zoning Ordinance which relates to the premises located at _____.

On _____ day of _____ 20____, I gave written notice of the above-referenced development application to each and all of the persons upon whom service must be made, as set forth on the Lists of Property Owners to be served (Exhibit A attached), using the Notice of Hearing to Property Owners attached hereto (Exhibit B). Each notice to property owners was sent by certified mail, return receipt requested. True copies of U.S. Postal Service receipts for certified mail are annexed hereto (Exhibit C).

Applicant Signature: _____

Sworn to and Subscribed before me on this _____ day of _____, 20___.

Signature of Notary: _____
A Notary Public of New Jersey
Seal

FORM E

Borough of Emerson

Land Use Board
Emerson Borough Hall
Second Floor Council Chambers
146 Linwood Avenue
Emerson, New Jersey 07042

Marie Shust
Land Use Board Secretary
Boardsec@emersonnj.org
(201) 262-6086 Ext. 1351

APPLICATION FOR DEVELOPMENT

Date Filled: _____ Date Received: _____
Application Number: _____ Completeness Date: _____

1. PROPERTY INFORMATION

Address: _____ Zone: _____
Tax Map Number: _____ Block: _____ Lot(s): _____

2. APPLICANT'S INFORMATION

Name: _____
Address: _____
City/State/Zip: _____
Phone Number: _____ Fax Number: _____
E-Mail: _____
Applicant is a(n): ( ) Individual ( ) Corporation ( ) LLC ( ) Partnership

3. OWNER'S INFORMATION

If the Recorded Owner on the date this application is filled is someone other than the applicant, provide the following information for the Recorded Owner(s):

Owner's Name: _____
Address: _____
City/State/Zip: _____
Phone Number: _____ Fax Number: _____
E-Mail: _____

*If the Applicant is not the Recorded Owner, describe the Applicant's interest in the subject property, giving the date that the Applicant will become owner of record. _____

4. DISCLOSURE STATEMENT FOR CORPORATIONS AND PARTNERSHIPS

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 5% of the stock in a corporate applicant or 5% interest in any partnership application must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 5% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 5% ownership criterion have been disclosed. (Attach pages as necessary to comply).

Name: _____ Address: _____ Interest: _____
Name: _____ Address: _____ Interest: _____
Name: _____ Address: _____ Interest: _____
Name: _____ Address: _____ Interest: _____

5. APPLICANT'S REGISTERED AGENT (If the Applicant is a Corporation, LLC or Partnership.)

Agent's Name: _____

Address: _____

City/State/Zip: _____

Phone Number: _____ E-mail: _____

6. APPLICANT'S ATTORNEY (Corporations and LLCs must be represented by an attorney.)

Attorney's Name: _____

Address: _____

City/State/Zip: _____

Phone Number: _____ Fax Number: _____

E-Mail: _____

7. APPLICANT'S ENGINEER

Engineer's Name: _____

Address: _____

City/State/Zip: _____

Phone Number: _____ Fax Number: _____

E-Mail: _____

8. APPLICANT'S ARCHITECT

Architect's Name: _____

Address: _____

City/State/Zip: _____

Phone Number: _____ Fax Number: _____

E-Mail: _____

9. NATURE OF THE APPLICATION (Check applicable items)

( ) Commercial Addition

( ) Commercial New Construction

( ) Commercial Use Variance

( ) Residential Addition

( ) Residential New Construction

( ) Residential Use Variance

( ) Minor Subdivision, without variance

( ) Minor Subdivision, with variance

( ) Major Subdivision, without variance

( ) Major Subdivision, with variance

( ) Deck or Fence Variance

( ) Above-ground Pool

( ) Home Occupational Sign

( ) All other Signs

( ) Special Meeting Request

( ) Tree Management

( ) Minor Site Plan, without variance

( ) Minor Site Plan, with variance

( ) Major Site Plan, without variance

( ) Major Site Plan, with variance

10. PRESENT USE: Describe briefly all buildings or structures now existing on the premises and their current use.

_____

_____

_____

Has there been any previous application involving these premises? ( ) Yes ( ) No
If yes, state the nature of application, date, and determination and attach a copy of any prior Resolutions.

_____

_____

Is there adjacent property in common ownership? ( ) Yes ( ) No If yes, provide the address of the property.

_____

Are there any restrictions, covenants, easements, association by-laws, existing or proposed on the property? If yes, attach copies.
( ) Yes ( ) No ( ) Proposed

11. DESCRIPTION OF PROJECT: Describe briefly the Applicant's intentions concerning the proposed character of development. Where applicable, indicate type of use proposed, size of structures, hours of operation, number of employees, number of parking spaces, intention to sell or rent, and any other information important for consideration:

_____

_____

_____

_____

Is there any demolition contemplated? If so, describe same. ( ) Yes ( ) No

_____

_____

Has an application been made to any other government body or bodies in relation to this Application? If yes, attach copies of all application forms and any and all correspondence.

( ) Yes ( ) No

12. PUBLIC USE: Is any portion of the premises subject to this application intended to be dedicated or reserved for public use? ( ) Yes ( ) No

13. BOROUGH REQUIREMENTS:
Is the Applicant willing and able, in the event of approval of its site plan, to undertake and complete installation, in accordance with the requirements and specifications of the Borough of Emerson, and to furnish bonding and surety company performance bonds for the following. If yes, check applicable item.

( ) Street Paving

( ) Curbs

( ) Sidewalks

( ) Other requirements of the Planning Board

( ) Drainage Facilities

( ) Catch Basins

( ) Shade Trees

14. ORDINANCE REQUIREMENTS:

Does this application comply with all requirements of the Zoning Ordinances?

( ) Yes ( ) No

If not, state violation, article, section and variance requested and state principal points on which the variance request is made. Use a separate sheet if necessary.

_____

_____

_____

_____

Does this application conform to all requirements of the Subdivision and Site Plan Review Ordinances?

( ) Yes ( ) No

If not, state sections for which waivers are required. Use a separate sheet if necessary.

_____

_____

_____

_____

15. SUBMITTED MATERIALS: List all plans, drawings, documents, reports, and other information that are being submitted as part of this application. Use a separate sheet if necessary.

_____

_____

_____

_____

_____

_____

By submitting this application, the Applicant agrees to provide a copy of any transcript of any meeting of the Emerson Planning Board taken by a stenographer, if requested by the Emerson Land Use Board, without any cost to the Emerson Planning Board.

I hereby affirm that all of the above and statements contained in the papers submitted herewith are true.

Name of Applicant or Agent: _____

Signature of Applicant or Agent: _____ **Date:**_____

Borough of Emerson

Land Use Board
Emerson Borough Hall
Second Floor Council Chambers
146 Linwood Avenue
Emerson, New Jersey 07042

Marie Shust
Land Use Board Secretary
Boardsec@emersonnj.org
(201) 262-6086 Ext. 1351

MANDATORY SUBMISSION ITEMS AND APPLICATION CHECKLISTS

The following items are required for submission of a complete application to the Land Use Board. Some items may not apply to all applications. The applicant may request that certain items be waived by the Board.

CHECKLIST A: GENERAL REQUIREMENTS FOR ALL APPLICATIONS

	1. Application Fee and Escrow Deposit (separate checks).
	2. A copy of the latest Deed which conveys the property to the applicant, if applicable.
	3. Twenty (20) copies of the Application for Development.
	4. Proof of payment of taxes and proof no taxes are due or delinquent on the subject property.
	5. Proof of notice to property owners as required ten (10) days prior to the public hearing date. This includes: (a) Affidavit of Service (Form E); and (b) Certified list of property owners; and (c) Copies of all U.S. Postal Service receipts for certified mail.
	6. Proof of Public Notice by Newspaper Publication as required by law ten (10) days prior to the public hearing date.
	7. List of stockholders owning five percent (5%) of the stock or having five percent (5%) interest in the corporation or partnership that owns the subject property, if there are any other than those listed on the application.
	8. Written request for waivers for an item provided in a checklist.
	9. If submitting an Escrow Deposit, a W-9 form must be submitted with all escrow fee checks.

ADDITIONAL REQUIREMENTS

CHECKLIST B: SITE PLAN or SUBDIVISION WITH VARIANCE

	1. All items listed in **Checklist A**: General Requirements for All Applications.
	2. Twenty (20) copies of Plot Plan. The plot plan must be prepared by a licensed surveyor, engineer, architect or professional planner.
	3. The Plot Plan meets the following requirements: (a) is at a scale of not less than one (1) inch equals twenty (20) feet; and (b) shows the location of existing and proposed buildings and structures and outlines the existing structures and wooded areas within two-hundred (200) feet of all boundaries of the subject property; and (c) shows the existing and proposed yard setbacks, property lines, other pertinent dimensions and all other data required in a site plan submitted pursuant to Chapter 236 of the Code of the Borough of Emerson.
	4. Twenty (20) copies of a Zoning Chart, either separately or printed on the site plan. The Zoning Chart must list the required and proposed features by ordinance section number with variance required.

CHECKLIST C: MINOR SUBDIVISION WITHOUT VARIANCE

	1. All items listed in **Checklist A**: General Requirements for All Applications.
	2. Twenty (20) copies of the proposed minor subdivision lot plan as specified by Chapter 252 of the Code of the Borough of Emerson.

CHECKLIST D: PRELIMINARY APPROVAL OF SITE PLAN or MAJOR SUBDIVISION WITH or WITHOUT VARIANCE

	1. All items listed in **Checklist A**: General Requirements for All Applications.
	2. Twenty (20) copies of the preliminary Plot Plan showing site plan and/or subdivision proposal, in accordance with Chapter 252 of the Code of the Borough of Emerson.
	3. Proof that copies of the proposed plans have been submitted to: (a) Borough Engineer; (b) Chief of Police; (c) Fire Chief; (d) Department of Public Works; (e) Environmental Commission; (f) Housing Inspector/Construction Official; (g) Borough Clerk.

CHECKLIST E: FINAL APPROVAL OF SITE PLAN or MAJOR SUBDIVISION WITH or WITHOUT VARIANCE

	1. All items listed in **Checklist A**: General Requirements for All Applications.
	2. Original tracing with signature lines and five (5) prints of approved preliminary Plot Plans with corrections noting items required by preliminary resolution of approval drawn in and noted on the print.
	3. Proof of execution of a Developer's Agreement.
	4. Proof of posting of performance and/or maintenance bonds or guarantees, if required.
	5. Copies of recorded easements, rights-of-way or conveyances of open space or public easements, if required by preliminary approval.
	6. Bergen County Planning Board approval.
	7. Department of Environmental Protection approval, where stream encroachment easements are required.
	8. Bergen County Soil Erosion and Sediment Control Plan approval, where required.
	9. Federal Army Corps of Engineer approval, for wetland development.