



LAND USE BOARD APPLICATION PROCEDURE

STEP 1: APPLICATION SUBMISSION

Prior to the Land Use Board Application submission, you must obtain a denial from the Borough Zoning Officer as well as a determination as to whether or not the subject property is located in a flood zone. This determination must be included in your application submission package.

1. Submit original completed Application with any supportive plans, survey, or document plus one copy. Email pdf of survey/plan to landuse@highlandsborough.org. Every section should be completed. If an item is not applicable, please note "N/A."
2. Submit application fee (see Part 6 Fee Schedule) and escrow by cash or **2 separate checks** payable to "Borough of Highlands." Application fees are non-refundable.
3. Pay any outstanding Tax and Sewer bills. Tax and Sewer accounts must be current before application will be heard.

STEP 2: COMPLETENESS REVIEW

1. The Land Use Board Secretary will review your application for compliance and transmit same to the Board's professionals for review.
2. The professionals will send a completeness review within 45 days of submission and indicate which items are outstanding, if any. The application will be deemed complete once all necessary items are submitted.
3. The professionals will also send a Fee and Escrow Calculation. Submit the balance of application fee and escrow – cash or 2 separate checks payable to "Borough of Highlands." Application fees are non-refundable.
4. Request 200-ft List and pay associated fee. You may need to obtain a 200-ft list from an adjoining municipality if your application involves property located within 200-ft of an adjoining municipality.
5. Once deemed complete, your application can be formally scheduled for a hearing date.
6. Submit 16 copies of the complete application with plans/surveys. Plans and surveys must be folded –not rolled.

STEP 3: PUBLICATION NOTIFICATION

1. Prepare the Notice of Hearing. A sample is provided.
2. Publish the Notice of Hearing as a Legal Notice in an official newspaper of the community **at least 10 days prior to the hearing date –not including the day of the hearing**. The newspaper will send you Proof of Publication, which must be submitted to the Land Use Board Secretary at least 3 days prior to the hearing date.
3. Distribute Notice of Hearing by **certified mail to all owners of real property located within 200 feet in all direction of the property**, whether located within the municipality or the adjoining municipality. (See #3 in Step 2 above.) Deliver notice **at least 10 days prior to the hearing date –not including the day of the hearing**. You must fill out and retain copies of certified mail receipts; return receipts are not required. Note: You must provide notice to property owner(s) delivery address, which may be different from their property address.
4. Complete the Affidavit of Service. A sample is provided.
5. **Submit proofs of notice** at least 3 days prior to the hearing date.
 - a. One copy of the Notice of Hearing that was provided.
 - b. One copy of all Certified Mail receipts. (Please keep originals for your records.)
 - c. One copy of the Proof of Publication from the newspaper.
 - d. The original Affidavit of Service.



STEP 4: PREPARE PRESENTATION

1. Prepare a brief and concise presentation including all relevant facts and exhibits. Provide reasons why your application should be approved. You may present photographs, sketches, testimony of witnesses, and/or other pertinent information. The Applicant will receive a copy of any review letters from the Land Use Board's professionals prior to the hearing –be prepared to address any questions or comments raised therein.
2. Burden of proof is on Applicant. The Board is required to consider certain criteria in evaluating your application, as specified in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq). If you have any questions regard variances, you should consult with an attorney.
3. You may want to attend a Land Use Board meeting prior to your hearing.

STEP 5: ATTEND THE HEARING

1. The Land Use Board meets on the 2nd Thursday of every month at the Community Center, located at 22 Snug Harbor Ave. The meeting begins at 7:00pm. **A corporation, S-Corp, LLC, or LLP must be represented by a New Jersey Attorney.**
2. The procedure for the hearing is typically as follows:
 - a. The Land Use Board Chair calls the meeting to order.
 - b. The Board conducts Pledge of Allegiance and then Roll Call.
 - c. There's an Open for Public Comments where interested parties can ask procedural questions or make comments not pertaining to applications.
 - d. When an application is called, the Applicant or Applicant's attorney proceeds to the podium.
 - e. The Applicant and anyone giving testimony is sworn in.
 - f. The Applicant presents a concise summary of the application, presents all relevant facts and exhibits, and explains why the application should be approved.
 - g. The Board Members ask questions after the Applicant's case is presented.
 - h. The Public, after giving their name and address, is then allowed to ask questions or make a sworn statement.
 - i. The Applicant has the opportunity to summarize its application and testimony.
 - j. The Board Chair closes the hearing and asks for discussion by the Board. No further comments can be made by the Applicant, designated representative, or the Public as the Board deliberates.
 - k. A Board Member makes a motion on the application, and, if seconded, a vote is taken.
 - l. You can leave after the decision is made or you can stay for the remainder of the meeting.
3. If a full seven (7) member Board is not present for a (d) variance, the Applicant may request a postponement of the hearing, as five (5) affirmative votes are required for approval.

STEP 6: AFTER THE HEARING

1. The Board Attorney will prepare a legal document called a Resolution which will include all of the facts that were presented to the Board and the Board's reasoning for its approval/denial of the request.
2. The Board will vote on the Resolution at its next meeting to **Memorialize the Resolution**. The Board is voting to agree that the facts presented in the Resolution are the facts upon which their decision was based and that all conditions of approval (if applicable) are addressed appropriately in the Resolution. *The Applicant is not required to attend the hearing at which the Resolution is Memorialized.*
3. A copy of the Resolution will be emailed or mailed to the Applicant.



Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

4. The Board Secretary will submit a **Notice of Decision** to the official newspaper for publication within ten (10) days of the Memorialization of the Resolution.
5. Any party interested in **Appealing a Decision of the Board**, must do so within **45 days of the publication of the Notice of Decision**.
6. Items to Submit after the Hearing:
 - a. **Conditions of Approval** (if applicable) –Any and all conditions must be satisfied (i.e. modifications to the plans or subdivision deed that were required as a condition of approval). Revised plans must be submitted to the Board Secretary. The Board Professionals will review the submitted documents for conformance to ensure that any and all required documentation/modifications have been submitted.
 - b. **Escrow** –Any outstanding review escrow, bond payments, and/or inspection escrow must be submitted prior to the issue of any permits. Should a positive balance remain in the escrow account after the project is complete and all bills are submitted, the Applicant should submit a written request to the Board Secretary for a refund of the remaining escrow. Any unpaid professionals’ bills will become a lien on the property.
 - c. **Zoning Permit** –A Zoning Permit application may be submitted once the above items have been completed.



PART 6 FEE SCHEDULE

Article XXII

21-107 The following Schedule of fees is established for the various applications for development and other matters which are the subject of this Chapter. These fees shall be non-refundable and are for the purpose of offsetting Borough Administrative, Clerical and meeting costs. Applications requiring a combination of approvals, such as subdivision, site plan, and/or variances, shall require a fee equal to the sum of the individual fees for each element of the application. Escrow deposits for professional consultants, such as legal planning, engineering, and other professional fees, costs and expenses, shall also be required in accordance with section 21-108. All fees and escrow deposits required in sections 21-107 and 21- 108 shall be paid prior to the certification of complete application.

A. Variances

1. For proceedings governed by N.J.S.A. 40:55D70a	\$125
2. For proceedings governed by N.J.S.A. 40:55D70b	\$125
3. For proceedings governed by N.J.S.A. 40:55D70c	
For residential	\$125
For non-residential	\$250
4. For proceedings governed by N.J.S.A. 40:55D70d	
For residential	\$150
For non-residential	\$500
5. For proceedings governed by N.J.S.A. 40:55D34	\$75
6. For proceedings governed by N.J.S.A. 40:55D36	
For residential	\$75
For non-residential	\$200

In order to qualify for the lower fees established for residential applications, an application must be exclusively residential in character, and can only be for a single use on the lot or tract.

Any applicant not complying with each of these conditions shall fall under the higher fee schedule.

B. Subdivisions

1. Simple lot line or merger	\$100
2. Minor subdivision	\$100
3. Major subdivision	
a. Conceptual review	10% of the preliminary fee
	<i>(To be applied to the preliminary fee at the time of preliminary submission)</i>
b. Preliminary plat	\$500 plus \$50 per lot
c. Final approval	50% preliminary fee
4. Application for revised approval of subdivision	\$100

C. Site plans

1. Minor	\$100
2. Major	
a. Conceptual review	10% of the preliminary fee
	<i>(To be applied to the preliminary fee at the time of preliminary submission)</i>
b. Preliminary approval	\$1,000 plus \$50 per acre or part thereof and \$20 per 1,000 Sq Ft of building floor area or part thereof; or \$20 per dwelling unit
c. Final approval	50% preliminary fee
3. Application for revised approval of site plan	\$100



D. Flood plain review

For residential	\$50
For non-residential	\$100

E. Conditional use applications

\$250

Individual plot plan review

\$300

F. Zone changes – applications or requests to consider a change in the zoning ordinance made either to the Land Use Board or the Borough Council shall be subject to the payment of a fee of \$250 plus an escrow deposit in the amount of \$2,000 in accordance with the provisions of Section 21-108 below.

21-108 Escrow Accounts and Technical Review Fees

A. Escrow Accounts

1. In addition to the above general In addition to the above general non-refundable fees for each application filed, the applicant shall reimburse the Borough for all professional or technical review fees deemed necessary or desirable by the Board and shall establish an escrow fund with the Borough Treasurer to pay such fees or charges. The escrow fund shall be utilized to reimburse the Borough for all costs which are reasonable and related to the review or such application.
2. As part of the application submission, the applicant shall be required to make a deposit to the escrow account in an amount provided for in B, listed below. If the amount posted is not sufficient to cover the Borough's professional charges associated with the application, the Board shall request additional funds.
3. After approval of an application and prior to the start of construction, the applicant shall be required to deposit with the Borough Clerk Engineering inspection escrow fees to provide for anticipated inspection and any additional professional review services in accordance with C, listed below.
4. Additional escrow funds, equal to 25% of the applicable escrow fee, will be required upon submission of a revised plan to review by Board Professionals.
5. Additional escrow funds shall be required when the balance of any escrow account reaches twenty percent (20%) of the initial deposit. The Borough shall notify the applicant who shall be requested to deposit up to thirty-five percent (35%) of the original escrow account. No further consideration, review, processing or inspection shall take place until the additional escrow has been paid.
6. For escrow deposits over \$5,000 the procedures under N.J.S.A 40:55D-53.1 shall prevail.
7. At the applicant's written request and at his cost, an account of the expenses or fees paid by him for professional services shall be provided. Borough professionals shall submit vouchers for all services to be assessed against an escrow account, which vouchers shall state the hours spent, the hourly rate and the expenses incurred.
8. Any unexpended monies remaining after the completion of the project and maintenance period shall be returned to the applicant.

B. Escrow deposits for professional and technical review

The initial deposit of escrow funds for technical and professional review of an application **shall be in an amount equal to double the application fee**, but no less than \$750.

C. Escrow deposit for inspection

Prior to the start of construction, the applicant shall post Engineering inspection fees determined in accordance with the provisions of N.J.S.A. 40:55D-53h and 53.4. **Inspection fees shall be five percent (5%) of the cost of improvement, with a minimum of \$500.**

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LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: _____ Application #: _____ Fee: _____ Escrow: _____

1. APPLICANT

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

Relation to property: _____

2. OWNER

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

3. TYPE OF APPLICATION (Check all that apply)

- Minor Subdivision
- Major Subdivision – Preliminary
- Major Subdivision – Final
- Minor Site Plan
- Major Site Plan – Preliminary
- Major Site Plan – Final
- Variance
- Use Variance

- Appeal – Zoning Denial date _____
- Appeal – Land Use Decision date _____
- Informal Concept Plan Review
- Extension of Approval
- Revision/Resubmission of Prior Application
- Other _____

4. PROPERTY INFORMATION

Block _____ Lot(s) _____ Address: _____

Lot size _____ # of Existing Lots _____ # of Proposed Lots _____

Zone _____ Are there existing Deed Restrictions or Easements? No Yes – Please attach copies

Has the property been subdivided? No Yes If yes, when? _____

Attach copies of approved map or approved resolution

Property taxes paid through _____ Sewer paid through _____

5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp **must** be represented by a NJ attorney)

Name: _____

Address: _____

Phone: _____ Email: _____



6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: _____
Address: _____

Phone: _____
Email: _____

Name: _____
Address: _____

Phone: _____
Email: _____

7. LAND USE

A. PROPERTY HISTORY –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

B. PROPOSED PLAN –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

C. ADDITIONAL INFORMATION:

Existing

Proposed

Residential: How many dwelling units? _____
How many bedrooms in each unit? _____
How many on-site parking spaces? _____

Commercial: How many commercial uses on site? _____
How many on-site parking spaces? _____



8. VARIANCE REQUESTS Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area			
Frontage			
Lot Depth			
Minimum Yard Requirements			
Front Yard Setback			
2 nd Front Yard Setback			
Rear Yard Setback			
Side Yard Setback, right			
Side Yard Setback, left			
Building Height			

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces			
Other (please add)			

9. OTHER RELIEF REQUESTED Please specify relief(s) and explain below.



10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this
_____ day of _____ 20____ (year)

(notary)

(Seal)

Signature Date

Print Full Name

11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this
_____ day of _____ 20____ (year)

(notary)

(Seal)

Signature Date

Print Full Name

12A. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- | | | |
|--|-----|----|
| Is this application to subdivide a parcel of land into six (6) or more lots? | Yes | No |
| Is this application to construct a multiple dwelling of 25 or more units? | Yes | No |
| Is this an application for approval of a site(s) for non-residential purposes? | Yes | No |
| Is this Applicant a corporation? | Yes | No |
| Is the Applicant a limited liability corporation? | Yes | No |
| Is the Applicant a partnership? | Yes | No |

If you circled **YES** to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).



12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp:

Listed below are the names and addresses of all owners of 10% or more of the stock/interest* in the above referenced business organization:

NAME	ADDRESS

*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

<p>SWORN & SUBSCRIBED to before me this</p> <p>_____ day of _____ 20____ (year)</p> <p>_____ (notary)</p> <p>(Seal)</p>

_____	_____
Signature (Officer/Partner)	Date
_____	_____
Print Full Name	Title



Notice to be Published in Official Newspaper

Notice of Hearing

Land Use Board

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the _____ day of _____, a hearing will be held before the Borough of Highlands Land Use Board in the Community Center, 22 Snug Harbor, Highlands New Jersey on the application of the undersigned that has been made to the Borough of Highlands Land Use Board, at which time and place all interested persons will be given an opportunity to be heard.

The property in question is located at

_____ also known as Block _____, Lot(s) _____, on the Highlands Tax Map.

The property is located in the _____ zone.

The applicant is seeking:

For the purpose of (list reasons for Zoning denial)

A copy of the application and documents are on file with the Board Secretary, and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.

[Name of Applicant, and/or applicant's attorney]

[This notice must be published at least 10 days prior to the hearing
in the Asbury Park Press or the Two River Times.]



Proof of Service

Affidavit of Proof of Service

State of New Jersey)

SS.

County of Monmouth)

I, _____, of full age, being duly sworn, upon oath
depose and say:

On _____ I () personally served or () mailed by certified mail a
notice, a true copy of which is attached hereto, upon the attached list of property owners

Applicant's Signature

Date

Sworn and subscribed

before me this _____

day of _____

Signature of Notary

Notary Seal