

## **ROCKAWAY BOROUGH LAND USE BOARD APPLICATION GENERAL INSTRUCTIONS (*Use municipal forms supplied*)**

The powers and procedures of the Land Use Board are authorized by the New Jersey Municipal Land Use Law and Rockaway Borough's Land Use Regulations. Questions as to procedures, schedules of public hearings and agendas may be directed to the Office of the Boards, One East Main Street, Rockaway Borough 973-627-8035.

### **FILING VARIANCE APPLICATIONS APPEALS AND INTERPRETATIONS**

Submissions consist of **twenty (20)** completed and executed copies of application forms, plans, and checklist. Filing fees are also due when the application is submitted. All documents must be collated in sets with the plans folded with the title block clearly visible.

### **FILING SITE PLANS AND SUBDIVISION PLANS**

Please note that Subdivision and Site Plan applicants should only put together six complete packets. When the application is deemed complete, the applicant will be notified to provide another 14 copies of the complete packet if there are no changes or comments. If there are comments and changes to be made, 20 sets of the revised application can then be submitted. **All drawings must be folded with title block clearly visible.**

### **COMPLETENESS REVIEW**

No submission to the Land Use Board will be accepted unless it is accompanied by the required application fee and escrow. When the application and required fees have been submitted, the application will be reviewed for completeness in accordance with the appropriate checklists. (NOTE: Under the New Jersey Land Use Law, the municipality has 46 days within which to conduct the completeness review.) After the review, the applicant either will be notified that the application is complete, or the applicant will be notified that the application is incomplete and be given an itemization of the deficiencies. If the application is complete a meeting date will be scheduled.

### **MUNICIPAL LAND USE NOTICE**

You must obtain a 'certified' list of all property owners within 200' of the development parcel from the Tax Collector. There is a small fee for the preparation of the list. *This is the **only** list that can be used for the purposes of complying with the law and the list **cannot** be older than six months.* Service must be '*certified mail/return receipt requested*'. The original certified mail receipts must be brought to the Board Secretary several days before the meeting. **Do not deviate from the names and addresses shown on the tax assessor's list. Any applicant who fails to comply with legal notice requirements will not proceed with the hearing.**

Notice must be given to all property owners within 200 feet *at least ten (10) full days* prior to a scheduled hearing date. Proof of Publication must also be provided and this notice in the newspaper must appear at least ten (10) full days prior to a scheduled hearing date. The Boards have designated "The Citizen" as their official newspaper.

*The address for the newspaper is: The Citizen C/O Anne Hayman, Recorder Publishing Company, 17-19 Morristown Road, PO Box 687, Bernardsville, NJ 07924 (Publication deadline: Monday before 12 noon). Fax Number 908-766-6365. Phone Number 908-766-3900 X251. E-Mail would be [legals@recordernewspapers.com](mailto:legals@recordernewspapers.com) (This information was verified March 2014).*

You must request an Affidavit from The Citizen which will include a copy of the Notice which was published in the paper. This Affidavit must be brought to the Board Secretary several days before the meeting.

## **OTHER APPROVALS REQUIRED**

If your application is for a subdivision (minor or major) or if the property in question is on a County road, or if your application is for a site plan where the impervious surface area exceeds one (1) acre (43,560 square feet), you must make application to and receive approval from the Morris County Planning Board. (See form in application package.)

If your application involves more than one single-family house or more than five thousand (5,000) square feet of soil disturbance, you must make application to and receive approval from the Morris County Soil Conservation District.

## **APPEALS TO THE LAND USE BOARD**

Any interested party affected by any decision of an administrative office of the Borough of Rockaway based on or made in the enforcement of the zoning ordinance may file an appeal of that decision within 20 days of the decision or the decision is final. An appeal is made by filing a notice of appeal with the administrative officer from whom the appeal is taken, specifying the grounds for the appeal. The Board application form and all supporting documents required by the appropriate checklists must be submitted before the appeal may be certified complete and scheduled for public hearing.

## **PAYMENT OF TAXES, WATER AND SEWER**

The applicant is required to show that no taxes or water/sewer user fees are due or delinquent for the property in question by submitting a Certification signed by the Rockaway Borough Tax Collector.

## **THE PUBLIC HEARING**

The hearing resembles a court or judicial procedure, with witnesses being sworn in and the right of cross-examination by any interested parties. You must be present at your hearing for your application to be heard; it is your responsibility to submit evidence to support your application.

## **CORPORATIONS/PARTNERSHIPS**

An attorney admitted to practice law in the State of New Jersey must represent all corporate applicants. If you are filing as a corporation, a form is enclosed requiring you to identify all shareholders having more than 10% ownership in a corporation. Other applicants may proceed either with or without an attorney.

## **ESCROW ACCOUNT BALANCE/REFUND PROCESS**

**All bills incurred for professional services for an application, for example, the Board engineer and planner reviews, site inspections, reports, attendance at meetings, and board attorney's time for preparation of resolutions, are charged to the individual applicant's account.** If the account is depleted before the application/development process is complete, an additional deposit is required. A balance in an escrow account at the completion of the process will be refunded to the applicant. When the application process is complete (the Board has made a decision, a resolution has been adopted, all conditions of approval have been met, all required site work has been completed), a request for refund of your escrow balance, if any, may be made to the Financial Officer.

## **COMPLETENESS & SCHEDULING**

The Borough Engineer will review the application to determine completeness. A report is rendered on this review, sent to the board secretary who will transmit to you in writing any deficiencies that must be addressed and/or if complete, will schedule you for a public hearing.

## **WAIVERS**

A waiver is a request from compliance with one of the technical checklist items required. Again, you must request this in writing with a brief explanation as to why the Board should grant the waiver requested. An applicant can only request waivers from technical engineering completeness items. All administrative items must be submitted.