

TO: BOARD OF ADJUSTMENT AND PLANNING BOARD APPLICANTS

FROM: CONNIE VALENTI, LAND USE ADMINISTRATOR

DATE: FEBRUARY 16, 2024

PDF COPY OF YOUR APPLICATION:

IN ADDITION TO THE HARD COPIES WHICH MUST BE SUBMITTED, WE WILL NEED A PDF COPY OF YOUR APPLICATION.

I CAN SCAN ANY PAGES UP TO 11" X 17" IN SIZE; HOWEVER, I CANNOT SCAN THE LARGE SITE PLANS. PLEASE ARRANGE WITH YOUR ARCHITECT OR OTHER PROFESSIONALS TO SEND ME A PDF VERSION.

ALL APPLICATION DOCUMENTS WILL BE POSTED ON THE BOARD'S PAGE OF THE TOWNSHIP WEBSITE PRIOR TO THE MEETING.

ALL DOCUMENTS SHOULD BE SENT TO MY EMAIL ADDRESS: CVALENTI@BHTWP.COM.

THE APPLICATION PROCESS:

THE FIRST PART OF THE APPLICATION PROCESS :

- SUBMIT THE APPLICATION PACKAGE
(CONSISTING OF THE APPLICATION PAGES WITH THE PROPERTY DESCRIPTION AND COVERAGE NUMBERS/DENIAL LETTER/SURVEY/ARCHITECTURAL OR OTHER PLANS/CHECKLIST "GENERAL CONSTRUCTION AND DESIGN...")
- SUBMIT YOUR CHECKS AND W-9 FORM.
- SEE #5 & #6 OF THE INSTRUCTION PAGE FOR DETAILS.

DO NOT FILL OUT THE AFFIDAVIT OF SERVICE OR DO ANYTHING WITH THE LEGAL NOTICE AT THIS POINT. I WILL SEND AN EMAIL AT A LATER DATE CONFIRMING YOUR HEARING DATE AND PROVIDING INSTRUCTIONS FOR THE LEGAL NOTICE REQUIREMENTS AND AFFIDAVIT.

**INSTRUCTIONS FOR FILING APPLICATION
TO THE ZONING BOARD OF ADJUSTMENT**

Berkeley Heights, NJ

All of the following requirements must be satisfied before the Application can be placed on the Board of Adjustment Agenda.

1. Obtain a Denial Letter from the Zoning Officer.
2. Secure Application Packet from the Board Secretary. It contains forms you will need as described below.
3. If not the owner of the subject property, the owner must complete a Consent by Owner form. Please ask the Board Secretary to send it to you.
4. The 200-foot radius list. Fill out the form to obtain the 200-foot radius map and list of property owners within 200 feet of your property. The fee is \$10.00 (for one block and lot). Please pay in cash or by check made payable to The Township of Berkeley Heights. The map and list will be emailed to you unless otherwise specified.
NOTE: If your property is within 200 feet of a neighboring town, there are additional notification requirements including obtaining a list of property owners within 200 feet from the neighboring municipality.
5. Submissions to Board Secretary prior to meeting. Please submit TWELVE (12) sets of your application documents which should include the following:
 - Application form (pages 1 and 2)
 - Zoning Officer's Denial Letter
 - Survey of your property (photocopy is OK) showing:
 - Dimensions and area
 - Existing structures and proposed additions or changes with dimensions
 - Setback distances on front, rear, and sides
 - Architectural plans or equivalent showing dimensions and elevations
 - 200-foot radius map and list of property owners within 200 feet of your property
 - Checklist "General Construction and Design & Grounds and Landscaping Considerations" on which you place a checkmark or N/A under the "Applicant" column.
6. Fees and Escrow & W-9 Form. Two checks – one for the Application Fee and one for the Escrow deposit – made payable to the Township of Berkeley Heights are due on the day your Application is filed. (The Fee Schedule is attached.) NOTE: The W-9 form must be included with the checks.
7. Meeting Dates. After submission of the above, the Secretary will assign an application number and advise you of the date to appear before the Board. This will be the Public Hearing at a Regular Meeting.
8. The Legal Notice.
 - A) By Mail. You are required to send out the Legal Notice **at least TEN (10) days prior to the Public Hearing** (Regular Meeting) to the property owners on the list received from the Township. If your property is within 200 feet of a neighboring town, there are additional notification requirements. It is suggested that your Legal Notice be reviewed first by the Secretary or Zoning Officer. **Notices must be mailed by CERTIFIED MAIL (recommended)** or by handing the Notice in person to the property owners (not recommended). Note: If there are property owners living OUTSIDE the Township, they must be notified by Certified Mail.
 - B) By Notice in the Newspaper. You are required to have the Legal Notice of your public hearing published in the Courier News at least 10 days prior to the meeting date. (You will receive further instructions by email.)
9. The Affidavit of Service. After you have mailed the Legal Notices, fill out the AFFIDAVIT OF SERVICE form and have it notarized.
10. The Affidavit of Service, the Affidavit of Publication from the newspaper, and the Certified Mail Receipts from the Post Office must be submitted to the Board Secretary prior to the Public Hearing and will become part of your file.

Please note the following:

1. An Applicant or his authorized agent must be in attendance at the Public Hearing in order for action to be taken. A Corporation or L.L.C. must be represented by an attorney.
2. The action taken by the Board will be advertised in the legal newspaper as soon as the resolution of decision is adopted by the Board.
3. If Site Plan approval is required, a Site Plan application must be filed on proper forms and fees paid in addition to the variance fees.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE BOARD SECRETARY AT 464-2700, Ext. 2124

FEE SCHEDULE

VARIANCE APPLICATIONS
TO THE ZONING BOARD OF ADJUSTMENT
(pertaining to single-family dwellings)
Berkeley Heights, NJ

Two separate checks, made payable to the Township of Berkeley Heights, are required for the following:

- 1. Application Fee:** A nonrefundable Application Fee is charged to each applicant. The amount of this fee depends on the type of variance requested.

*For a (c) variance **not** relating to a deck, shed or fence: **\$250.00 APPLICATION FEE***

*For a (c) variance relating to a deck, shed or fence: **\$150.00 APPLICATION FEE***

- 2. Escrow Deposit:** **\$1,000.00 INITIAL ESCROW DEPOSIT**

Why the Escrow deposit?

The escrow deposit is used to pay for the services of the Board Attorney, Board Engineer, if applicable, required legal advertising, and any other professional charges incurred in connection with the application.

Any unused portion of the escrow deposit will be returned to the Applicant after the Resolution has been completed, the notice of decision has been published in the newspaper, and all outstanding invoices for the above mentioned charges have been paid from the escrow account.

Please note: *If the initial escrow deposit is insufficient to pay for all of the charges incurred, the Applicant will have to pay the required shortfall – by posting additional escrow – prior to receiving the Board's Resolution of Decision.*

⇒ IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE LAND USE ADMINISTRATOR AT

(908) 464-2700, Ext. 2124.

Application No. _____
Date of Filing _____

Application Fee _____
Escrow _____

APPLICATION TO ZONING BOARD OF ADJUSTMENT, Berkeley Heights, NJ

NOTE: It is the responsibility of the applicant to specify in this application all requests for relief from any section of the ordinance that may be needed. Should any unspecified violation be found prior to or during the course of a public hearing, no such relief can be granted and the case cannot be permitted to proceed without re-advertising the notices. If the failure is not discovered by the Board until it commences its deliberation after closing the public hearing, the result may be a denial of the entire application, or the grant or recommendation that the variance be granted limited to the specific relief requested, which will result in the necessity for a re-application to obtain the remaining relief required.

In the matter of the petition of _____ for relief from the strict application of
(applicant name)
the provisions of the Zoning Ordinance of the Township of Berkeley Heights.

Petitioner Name _____, residing at _____

Telephone No. _____, Email address _____

1. Petitioner is _____ of property at _____, Block _____, Lot _____
(owner or tenant etc.)
on the Tax Map located in the _____ Zone.

2. The Petitioner is requesting to use the property in the following manner with the following variances required:

3. Does the Application concern a request for Certificate of Nonconformity? _____

Does the Application concern a Use Variance? _____, and: a) Site Plan _____ b) Subdivision _____

NOTE: If Application concerns site plan or subdivision, appropriate plans and additional forms must be filed with the Zoning Board of Adjustment as an additional part of the Application.

4. The proposed building/subdivision/use is contrary to Article _____ Section _____ of the Zoning Ordinance.

5. a. Description of the Property:

	<u>Required</u> See Attached Schedule 6.1.1B	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u> <u>Required:</u> <u>Y / N</u>
Lot Area (sq. ft.)				
Lot Width				
Lot Depth				
Front Setback				
Side Setback				
Side Setback				
Combined side setbacks				
Rear Setback				

b. Provide coverage numbers below. Do not include slotted deck in this section:

1. Area of existing buildings/structures (house, attached/detached garage, covered porch, shed) to remain _____ sq. ft.
2. Area of proposed buildings/structures (house, attached/detached garage, covered porch, shed) _____ sq.ft.
3. Total area to be occupied by buildings/structures _____ sq.ft.
4. Area of existing Other Items (patio, driveways, walks, pool, etc.) _____ sq.ft.
5. Area of proposed Other Items (patio, driveway, walks, pool, etc.) _____ sq.ft.
6. Total area to be occupied by Other Items _____ sq.ft.
7. TOTAL AREA OF EXISTING BUILDINGS/STRUCTURES AND OTHER ITEMS _____ sq.ft.
8. TOTAL AREA OF EXISTING & PROPOSED BUILDINGS/STRUCTURES & OTHER ITEMS _____ sq.ft.

TOWNSHIP OF BERKELEY HEIGHTS
BOARD OF ADJUSTMENT

To: Board of Adjustment Applicants

If you are being represented by an attorney or have an architect or other professional who may be assisting you in the project, please include their contact information below.

Thank you,

Connie Valenti
Board Secretary

Attorney’s Name: _____
Name of Law Firm (if applicable): _____
Attorney’s Phone No.: _____
Attorney’s Email Address: _____

Other Professionals (architect, landscape architect, engineer, etc.) involved in my application:

Professional’s Name: _____
Company Name (if applicable): _____
Type of Professional: _____
Phone and Email Address: _____

Professional’s Name: _____
Company Name (if applicable): _____
Type of Professional: _____
Phone and Email Address: _____

TOWNSHIP OF BERKELEY HEIGHTS
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

SITE INSPECTION CONSENT FORM

Applicant:_____ Application No.:_____

Block:_____ Lot:_____

Street Address:_____

I, _____, the owner of the above property, hereby acknowledge that a site inspection may be scheduled with the Planning Board/Zoning Board of Adjustment for a mutually convenient date and time. I hereby authorize members of the Planning Board/Zoning Board of Adjustment and their representatives and consultants (or other designated officials) to enter onto the property which is the subject of this application at the time of any site inspections for the purpose of evaluating the application.

Signature:_____ Date:_____

Applicant_____

Application #_____

Township of Berkeley Heights

Township Official

General Construction and Design & Grounds and Landscaping Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider the orientation and design to maximize passive solar heat/cooling. For example, orient the building along its east-west axis to have a larger surface exposure to the south, and use deciduous vegetation to block the sun in the summer months and maximize light and heat in the winter months.
()	()	Minimize disturbance to soils and vegetation. Use proper planning to protect vegetation during construction and prevent damage to surrounding areas.
()	()	Create landscapes that use native plantings to limit the need for lawn chemicals and maintenance (mowing, trimming, watering). Consider using captured rainwater (rain barrel) or recycled grey water for irrigation.
()	()	Recycle and/or salvage non-hazardous construction and demolition debris.
()	()	Consider the use of renewable building materials and products. Consider choosing products with low VOCs and avoid products that contain hazardous chemicals (i.e. formaldehyde, cyanide).
()	()	The use of local construction companies and products (i.e. local and sustainable woods) is recommended.
()	()	Where practicable, place parking spaces in shaded areas and consider using paving materials with an SRI value >29 (this will reflect, not absorb solar heat).

Storm Water Management Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider limiting impervious surfaces such as use of an open grid pavement system (at least 50% pervious).
()	()	Consider reducing impervious cover to promote infiltration that captures and treats storm water runoff from rainfall.
()	()	Consider avoiding runoff to other properties by installing an underground cistern or rain garden. This will keep water on your own property and out of the sewer.

Energy & Lighting Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider providing natural daytime lighting as much as possible with skylights or solo tubes. Consider using triple-pane windows, with protection against sun damage.
()	()	Consider choosing energy-efficient light bulbs. Use solar lighting outdoors.
()	()	Consider use of motion sensor lighting where applicable. In commercial/industrial settings consider use of sensor controls.
()	()	Conserve energy, reduce electricity use and if possible incorporate renewable energy.
()	()	Consider choosing ENERGY STAR appliances.

Heating and Cooling Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider Increasing amount of insulation by using 2 x 6 studs.
()	()	Consider installation programmable thermostats and attic fans to regulate heating and cooling.
()	()	Consider installation heat pumps to transfer energy heat and cold.
()	()	Consider use high efficiency boilers/furnaces.
()	()	Consider use light color roofing materials to limit heat absorbed by dark colored roofs. Consider tile or metal roofs.
()	()	Consider use roofing material with a solar reflectance index (SRI) equal or greater than 78 for low roofs and 29 for steep-sloped roofs.

Water Usage Considerations

<u>Applicant</u>	<u>Reviewed</u>	<u>Item</u>
()	()	Consider use of low-flow shower heads.
()	()	Consider installing dual-flush toilets.
()	()	If there are any other sustainable building practices not mentioned before, that will be used in this project, please describe:

TO: BOARD OF ADJUSTMENT APPLICANTS

RE: THE ESCROW DEPOSIT:

Please provide a **W-9 Form** together with your escrow check. (It is required.)

Please sign below to indicate that you have read the information about the required escrow deposit.

I understand that the sum of \$_____ will be deposited in an escrow account. In accordance with the Ordinances of the Township of Berkeley Heights, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount, and I agree to provide an additional escrow check within fifteen (15) days.

(Date)

(Signature of Applicant)

Application # _____

Property Address: _____

Request for Taxpayer
Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-				-	
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

ZONING BOARD OF ADJUSTMENT

BERKELEY HEIGHTS, NJ

LEGAL NOTICE

TAKE NOTICE THAT _____ has appealed to the Board of Adjustment of the Township of Berkeley Heights for a variance from the provisions of Article _____, Section _____ of the Zoning Ordinance so as to permit

on premises located at _____ and also known as Block _____, Lot(s) _____ on the Tax Map, which is within 200 feet of property owned by you.

[Please note: each variance being requested should be listed in the paragraph above.]

The applicant requests any and all such other variances, design waivers, site plan exceptions and/or other relief from the Board of Adjustment as may be deemed necessary or required at the time of the hearing of this matter.

This appeal is now on the Secretary's calendar, and a public hearing has been ordered for Thursday evening, _____, at 7:00 p.m. prevailing time, in the public meeting room of the Municipal Building (Room 155, the "Berkeley Room"), 29 Park Avenue, Berkeley Heights, NJ at which time you may appear either in person or by attorney and present any objection which you may have to the granting of this application.

Copies of said plans may be found in the office of the Board Secretary between the hours of 8:30 a.m. and 12 Noon or between 2:00 p.m. and 4:00 p.m. Monday through Friday. (During the summer the office closes at 1:00 p.m. on Fridays.) You may also contact the Board Secretary at (908) 464-2700, Ext. 2124, or cvalenti@bhtwp.com to request copies of the plans and/or documents related to the proposed application/ project.

(Applicant's Signature)

REQUEST FOR 200 FT. RADIUS MAP
AND LIST OF NAMES OF PERSONS WITHIN 200 FT.

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

FEE - \$10.00 PER LOT

Date_____

Name of Applicant_____

Phone Number_____

For premises located at _____
(street address)

Block_____ Lot (s) _____

MAIL TO:

Name_____

Address_____

OR EMAIL TO:

Email Address_____

I. Land Development Application Notices – Chapter 245, P.L. 1991

On August 7, 1991, the above referenced law (formally S-2314) became effective to require an applicant SEEKING APPROVAL OF A MAJOR SUBDIVISION OR SITE PLAN to provide notice of a public hearing on all public utilities and CATV companies that own land or possess an easement within 200 feet of the proposed development.

Field Operations Manager New Jersey American Water 167 John F. Kennedy Parkway Short Hills, NJ 07078	Water Company
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Public Service Electric & Gas Company 48 Middle Avenue Summit, NJ 07901	Gas
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Mr. George Palyca Construction Manager Comcast of New Jersey 800 Rahway Avenue Union, NJ 07083	Cable
--	-------

New Jersey Transit One Penn Plaza East Newark, NJ 07105	Bus
---	-----

Mr. Craig Mandel JCP&L Real Estate 300 Madison Avenue Morristown, NJ 07962	Electric
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ATTN: Director , Wastewater Township of Berkeley Heights WPCP 29 Snyder Avenue Berkeley Heights, NJ 07922	Sewer
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PLEASE NOTE:

If the property is adjacent to an existing county road or adjoins any other county land, the COUNTY PLANNING BOARD should be notified. If the property is within 200 feet of a municipal boundary, the COUNTY PLANNING BOARD and the TOWNSHIP CLERK of the adjoining municipality* should also be notified.

In addition, the applicant must obtain the names and addresses of owners of land in such adjoining municipalities which are located within 200 feet of subject premises.*

The list below may be helpful.

ADDITIONAL ADDRESSES THAT MAY NEED TO BE NOTIFIED OF PUBLIC HEARING:

COUNTY OFFICES:

UNION COUNTY PLANNING BOARD
Admin. Bldg.
10 Elizabethtown Plaza
Elizabeth, NJ 07202

SOMERSET COUNTY PLANNING BOARD
c/o Somerset County Planning Division
20 Grove Street
P.O. Box 8000
Somerville, NJ 08876

MORRIS COUNTY PLANNING BOARD
P.O. Box 900
Morristown, NJ 07963-0900

OFFICES OF NEIGHBORING TOWNS (who may require Notice if applicable):*

WARREN TOWNSHIP CLERK
WARREN TOWNSHIP MUNICIPAL COMPLEX
46 Mountain Boulevard
Warren, NJ 07059

BOROUGH CLERK
Borough of Watchung
15 Mountain Boulevard
Watchung, NJ 07069

BOROUGH CLERK
Borough Clerk's Office
Municipal Building
Borough of New Providence
360 Elkwood Avenue
New Providence, NJ 07974

MUNICIPAL CLERK
CITY OF SUMMIT
CITY HALL
512 Springfield Avenue
Summit, NJ 07901

MUNICIPAL CLERK
Township of Long Hill
915 Valley Road
Gillette, NJ 07933

TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT

AFFIDAVIT OF SERVICE

I, _____, being duly sworn by oath, depose and say: that I am the Applicant (), Owner (), Agent of Applicant (); and that I have served Notice upon the property owners within 200 feet of the property of appellant to be affected in this matter, in the manner following, that is to say –

- (A) Personally, by handing such true copy to said property owners being residents of the Township

- (B) By mailing, Certified Mail, such true copy at the last known address of the property owners as shown by the most recent tax list of said Township; said persons being residents and/or non-residents of the Township.

(Applicant's Signature)

Sworn and Subscribed to

before me this _____ day

of _____, 20_____

(Notary Public)

AFTER THE BOARD OF ADJUSTMENT APPLICATION PROCESS

(AFTER YOUR PUBLIC HEARING):

➤ WHAT ARE THE PROCEDURES IF MY APPLICATION IS APPROVED BY THE BOARD?

- 1) ***You must wait for your resolution of approval.*** If your application is approved by the Board at the meeting, the Board Attorney will need time to draft the resolution of approval containing any conditions or terms of the approval as discussed at the meeting. The resolution draft would then be distributed to the Board Members for their review. Once the resolution is finalized, it would most likely be adopted at the next subsequent meeting of the Board (although it could take longer in some rare cases). Your application is not officially approved until you receive the resolution.
- 2) ***Once you have received the resolution,*** usually delivered via email, you may begin the process of submitting your plans to the Zoning Department (“Zoning”). Zoning will also receive a copy of the approved resolution. If plans are finalized, no changes were required by the Board of Adjustment, and all of your building jacket paperwork was initially submitted, the zoning review can be started with that initial submission. However, if the Board required changes to the plans, those changes need to be addressed on a revised set of plans and resubmitted to Zoning to begin the review process.
- 3) ***Once Zoning approves the project,*** it will be submitted to the engineering office if drainage or storm water management control was required as a condition of approval in the resolution. If storm water drainage is not a requirement, after zoning approval your plans will be submitted to the building department for their review and issuance of the building permit.
- 4) ***All submissions should be received by the Township through our SDL Portal.***

CLICK HERE FOR SDL ONLINE

Please note - this link brings you to a new screen where you will need to create an account to access any of the above information. **Click the "Sign Up" button at the top right of your screen.**

Overview

The SDL Portal is a cloud-based web application that allows your town officials, employees and citizens to gain access to town data when and where they need it. Real-time syncing with the SDL Municipal Management Software platform allows for up-to-date data for all users, whether in the office or from the comfort of home. Highly configurable, users can set up the online portal to give access when, where and how they need it to be.

The portal can be accessed through the Township’s home web page. If plans cannot be submitted through the portal, a drop box located in the new Township municipal building foyer is available to place plans and other information. The drop box is checked multiple times a day.

- 5) ***Upon zoning approval,*** an email is sent to the applicant informing them of the approval. If a fee is due, the zoning approval will be issued upon payment of the fee. Once the Building Department has completed their review, the permit will be ready for pick-up or emailed upon payment of the building permit fee.



TOWNSHIP OF BERKELEY HEIGHTS

29 Park Ave. Berkeley Heights, NJ 07922

Construction Office

TEL: (908)-464-2700 FAX: (908) 464-3791

RESIDENTIAL DEVELOPMENT FEES:

IMPORTANT, PLEASE READ: Enclosed is an invoice for your COAH fee; an explanation of this fee is below. If you are increasing the size of your home - such as adding an addition - or building a new home (including leaving a portion of your existing foundation), you are required to pay the following fees:

- Zoning Fee (included in building permit fees)
- Building Permit Fees
- Engineering Fees (if necessary)
- Increased Tax Assessment
- Affordable Housing Development Fees (formerly known as COAH (Council on Affordable Housing))

Why an Affordable Housing Development Fee?

As per "Article 4.7 - Affordable Housing Development Fees" of the Township Code, this fee is part of the Township's Court-approved Affordable Housing Development Fee Ordinance that was adopted on November 6, 2017. Details on the fees, to be deposited in the Township's Affordable Housing Trust Fund, are as follows:

- Development Fees shall be imposed and collected when an existing structure undergoes a change to a more intensive use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement.
- Residents/Developers of all residential developments/dwellings, except for those that are specifically exempted in the Development Fee Ordinance, must pay a fee of one and half percent (1.5%) of the equalized assessed value of the improved structure provided no increased density is permitted.
- If an increase in density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers must pay a "bonus" development fee of six percent (6%), unless the development includes affordable housing.
- Homes that are demolished and replaced as a result of a natural disaster (such as a fire or flood) are exempt from the payment of development fees.

Fifty (50%) of the initially calculated fee will be collected at the issuance of the building permit. Remaining will be collected at the time of Certificate of Occupancy.

*****See ordinance in its entirety at BerkelyHeights.gov under Building Department tab*****

Development Fee

Ordinance Overview

Please note that this ordinance applies to developers as well as individual homeowners looking to put additions on, or doing other alterations to, their home.

As per “Article 4.7 - Affordable Housing Development Fees” of the Township Code, which is the Township’s Court approved Affordable Housing Development Fee Ordinance that was adopted on November 6, 2017, an overview of the collection of affordable housing development fees to be deposited in the Township’s Affordable Housing Trust Fund is as follows:



1. Purpose:

- a. The Township’s Affordable Housing Development Fee Ordinance (Borough Code at Article 4.7) was adopted by the Township Council on November 6, 2017 and was approved by the Court so that the Township can collect affordable housing development fees.
- b. All such fees are deposited in the Township’s Affordable Housing Trust Fund and can only be used for affordable housing purposes.
- c. Expenditures from the Affordable Housing Trust Fund are made in accordance with the Township’s adopted and Court Approved Spending Plan, include but are not limited to, (a) monies for the Township’s Rehabilitation Program, (b) monies to assist with the creation of supportive and special needs housing in the Township, (c) monies to assist with a write-down/buy-down program, (d) monies to assist with future affordable housing projects in the Township, (e) affordability assistance for existing affordable housing in the Township, and (f) Township administrative expenses relating to affordable housing.

2. Residential Development Fees:

- a. Developer's of all residential developments, except for those that are specifically exempted in the Development Fee Ordinance, must pay a fee of one and half percent (1.5%) of the equalized assessed value for all new residential development provided no increased density is permitted.
- b. If an increase in density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers must pay a "bonus" development fee of six percent (6%), unless the development includes affordable housing.
- c. Development fees are also collected when an additional dwelling unit is added to an existing residential structure, and in such cases the development fee is calculated on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- d. Eligible exactions, ineligible exactions, and exemptions from paying a residential development fee:
 - i. Affordable Housing developments do not have to pay a development fee. This includes if a project delivers off-site affordable units or a payment in lieu of building affordable units, if such a payment is permitted by Ordinance or Agreement.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of the Township's first adopted Development Fee Ordinance do not have to pay a fee. If the approval occurred prior to the adoption of the Township's 2017 Development Fee Ordinance, then the older Development Fee Ordinance in place at the time will control.
 - iii. Development fees are imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee is calculated on the increase in the equalized assessed value of the improved structure.

- iv. Homes that are demolished and replaced as a result of a natural disaster (such as a fire or flood) are exempt from the payment of development fees.

3. Non-Residential Development Fees:

- a. Non-residential development fees are required by both the Township's Development Fee Ordinance and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7).
- b. Non-residential developers, unless an exemption applies, must pay a development fee of two and a half percent (2.5%) of the equalized assessed value of land and improvements for all new non-residential construction on an unimproved lot.
- c. Non-residential developers must also pay a fee equal to two and a half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- d. Non-residential developers must also pay a development fee when an existing structure is demolished and replaced. A development fee of two and a half percent (2.5%) shall be calculated at the issuance of a final Certificate of Occupancy on the difference of the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure.
- e. Eligible exactions, ineligible exactions, and exemptions from paying a non-residential development fee:
 - i. A non-residential developer must pay a two and a half percent (2.5%) fee on the non-residential portion of a mixed-use project.
 - ii. The two and a half percent (2.5%) fee will not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations, or repairs.
 - iii. A non-residential developer does not have to pay the 2.5% fee if exempted by the Statewide Non-Residential Development Fee Act

(N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption."

4. Collection Procedures:

- a. First, all exemptions and exactions regarding whether or not an affordable housing development fee applies must be determined.
- b. After the first building permit for a development that is subject to a development fee is issued, the Township's Construction Official will notify the Township's Tax Assessor of same.
- c. The Tax Assessor will provide an estimate of the equalized assessed value of the development within 90 days of being notified by the Township's Construction Official that the first building permit has been issued.
- d. Within 10 days of the final inspection of property prior to the issuance of a final Certificate of Occupancy, the Tax Assessor will confirm or modify the previously estimated equalized assessed value of the improvements associated with the development, calculate the development fee, and thereafter notify the developer of the amount of the fee.
- e. Fifty percent (50%) of the initially calculated fee will be collected at the issuance of the building permit.
- f. The remaining portion of the fee will be collected at the time of issuance of the Certificate of Occupancy.
- g. The developer shall be responsible for paying the difference between the fee calculated at the time of the issuance of the building permit and that determined at the time of the issuance of the Certificate of Occupancy.