

Borough of Kenilworth

Planning Board Land Use Procedures Instructions for Variance Applications

1. If you have made application for a building permit or certificate of occupancy and your application has been denied as being contrary to provisions of the Zoning Ordinance, secure a completed **denial form** from the Zoning Officer.

NOTE: It is the responsibility of the Applicant to set forth ALL sections of the Zoning Ordinance from which relief by variance is required. If you are applying to the Planning Board to obtain an interpretation of a Zoning Ordinance or an Appeal from the Zoning Officers' decision, you may proceed directly with an application to the Planning Board.

2. Secure an application form from the Planning Board Administrative Assistant. Complete the applicable portions of the form.
3. The following supporting documentation and exhibits must accompany the application before it will be deemed complete. * First initial application submission for review requires five hard copies and one electronic copy each of the following are required:
 - A. Survey or Site Plan. A clear and legible survey or site plan of the property, preferably a survey prepared and sealed by a professional surveyor drawn to scale (copies **must not** be reduced or enlarged) must be submitted that illustrates the nature and extent of the relief being sought which must include the following:
 - (1) Lot dimension and area; tax lot and block number.
 - (2) Location of existing structures and any proposed new construction, additions or changes, with dimensions and distances to all lot lines, other structures on the lot and if possible, to structures on adjoining properties.
 - (3) Front, side, and rear yard setbacks for existing and proposed construction must be noted on the survey. Please be accurate in your calculation of the proposed setbacks. If the Board approves your variance request, the variance will be for exactly what was asked for and no more. If you find at a later date that you needed a greater variance than requested, you will have to appear again before the Board with a new or amended application.
 - (4) Dimensions of driveways and parking areas and construction materials used.
 - (5) All rights of way or easements affecting the subject property.
 - (6) Although not required, it is suggested that you include on the property survey or site plan or on a separate sheet a list of the required setbacks for the zone in which the applicants' property is located and the proposed setbacks being requested. See Schedule of Area, Yard, and Building Requirements of the Kenilworth Borough Ordinances.
 - (7) It is also suggested that photographs of the Property and adjacent properties that may be impacted by the requested variances be submitted (either with the application, 21 copies, or as an exhibit at the time of the hearing.)

***NOTE:** Final submission will require twenty-one (21) copies and 5 electric copies (flash drive or CD) of each of the following are required as indicated above.

Please note that it is recommended that you submit an original sealed survey and twenty-one copies of the property survey or site plan without the proposed changes and twenty-one of the survey (does not need to be sealed) with the proposed changes and proposed setbacks

- B. Key Map. Please note that this information is contained in the municipal tax maps. A copy of the appropriate tax page can be obtained from the Planning Board Office or Borough Engineer.
 - C. Clear and legible plans or similar renderings prepared by the applicant, their engineer, architect, or builder, showing front, side, and rear elevations of existing and proposed construction.
 - D. Factual and Legal Contentions. You must set forth specifically and in detail those facts and reasons which you contend justify the requested relief under the standards set forth in the Borough's Land Use Ordinances and under the Municipal Land Use Law (NJSA 40:555D-70)
 - E. Checklist Item #6 – Fees and Escrows. A fee and deposit, in accordance with the fee and deposit schedule of the Planning Board as established by ordinance, payable to the Borough of Kenilworth, must accompany the application before it will be considered by the Board.
 - F. Disclosure of Ownership - of 10% or more or interest in Corporations and/or partnerships must be submitted with the application
 - G. Payment of Property Taxes. Every application must also be accompanied by proof that no municipal taxes or assessments for local improvements are due or delinquent on the property(s) that are the subject of the application. This statement can be obtained from the Borough Tax Collector.
 - H. Owners Authorization. If you are other than the record owner of the subject property, the owner must sign the authorization portion of the application or submit a letter of authorization.
 - I. Subdivision, Site Plan or Conditional Use. If the application involves a subdivision, site plan or a conditional use, you must also complete the Planning Board application forms and submit the applicable fees.
 - J. Zoning Officer's Denial – Submission of the signed Original Denial Form.
4. File the completed application package with the Planning Board Administrative Assistant. The Administrative Assistant will review the application for completeness and will notify you by letter of any incomplete items and of the next available Planning Board hearing date. An original and twenty copies, as well as 5 electronic copies of the application and necessary attachments are required. All documents should be attached to the completed application form and collated and submitted in twenty-one sets.
5. Once you have received a hearing date from the Planning Board Clerk, you must publish notice in the Borough's official newspaper the hearing and notify property owners within 200 feet of any boundary of the applicants' property by certified mail (stamped by the US Post Office) or personal service (must provide proof of service).

NOTE: You must publish and serve the required notice at least ten (10) days prior to the scheduled hearing date. Failure to comply with this requirement will preclude the Board from hearing your application.

- A. Certified lists of the names and addresses of adjoining owners to whom the Applicant is required to give notice are available from the Borough's Tax Assessor upon payment of a \$10.00 fee. Please allow at least five business days for preparation of the list. The Applicant shall be entitled to rely on the information contained in the list and failure to give notice to any owner not on the list shall not invalidate the proceeding.
 - B. A sample form for notice of hearing publication is attached for your reference. Notice and publication requirements are attached to the sample notice form.
6. Upon publication and service of notice, the Applicant must complete and have notarized the attached Affidavit of Service, which must be filed with the Planning Board Administrative Assistant along with the certified list of property owners, at least 8 to 10 days prior to the scheduled hearing date with the certified mailing receipts. Please note that the certified mail postal receipts (white copy) must be stamped with the date of mailing by the US Post Office. An Affidavit of Publication will be supplied by the Newspaper and must also be filed with the Planning Board Administrative Assistant.
 7. An Applicant must appear in person or by his agent or attorney at the scheduled public hearing. Legal Counsel must represent a Corporation or Limited Partnership applicant. A general partner having the written consent of all partners may represent a general partnership. All other applicants are encouraged to seek legal counsel.
 8. Failure to comply with any of the above stated requirements may result in a delay in the consideration of your application. In the event a hearing cannot be commenced for any reason, and it becomes necessary to assign a new hearing date, it may be necessary for the applicant to re-serve and re-publish the notice.
 9. Following action by the Board, a copy of its decision will be mailed to the applicant after the reading of the Resolution of Approval. Notice of the decision will be published by the Planning Board Administrative Assistant in the Official Newspaper. The period to appeal does not start to run until publication of the decision.

Borough of Kenilworth

Planning Board Land Use Procedures Table of Zoning Requirements

Applicant Name: _____

For Property Located at:

Block: _____ Lot: _____

Street: _____

Zone: _____

Zone Table

	Required by Ordinance	Existing Condition	Proposed Condition
Minimum Lot Size in Square Feet			
Lot Frontage			
Lot Width			
Front Yard			
Rear Yard – Principal Structure			
Rear Yard – Accessory Structure			
Side Yard – Principal Structure			
Side Yard – Accessory Structure			
Impervious Coverage			
Building Height			
F.A.R.			

Borough of Kenilworth

Planning Board
Land Use Procedures
Variance Application Form
Part A – General Information

Date Received _____

Applicant's Name _____

Fee Paid \$ _____ Date Received _____

Deposit Paid \$ _____ Date Received _____

Type of Application (Check applicable matter below)

N.J.S.A. 40.55D-70 _____ (a) Review of Order _____ (b) Interpretation

_____ (c) Hardship Variance _____ (d) Use Variance

___ N.J.S.A. 40-55D-34 (structure in the bed of mapped street)

___ N.J.S.A. 40:55D-36 (no frontage on Public Street)

Important: For applications involving Site Plan, Subdivision or Conditional Use approvals, the applicable Planning Board Checklists, Forms and Procedures shall also be utilized.

1. Name of applicant, address, telephone number, fax number and e-mail address

2. Attorney's name, address, telephone number, fax number and e-mail address

3. Name of present owner, address, telephone number, fax number and e-mail

address _____

4. Interest of applicant, if other than owner:

5. Location of subject lot: Number and Street: _____

Block _____ Lot _____ Zone District _____

6. Permission to: (Check applicable)

(a) Alter or add to existing building (_____)

(b) Construct new building on vacant land (_____)

(c) Change from existing use (_____)

(d) Subdivide land creating one or more nonconforming lots (_____)

(e) Other _____

7. Proposed building or use is contrary to the following Section(s) of Section XXX of the Kenilworth Borough Code.

Identify each Section by Number with a Brief Description

8. Dimensions of lot _____ acres _____ square feet _____

9. Dimensions of existing building _____ square feet _____

10. Dimensions of proposed addition _____ square feet _____

11. Date of Building Permit denial _____ or other action appealed from _____
_____ (copy to accompany application)

12. Has there been a previous application relating to lot? _____

Date _____ Action taken _____

13. Have conditions changed since previous application? _____

If so, explain:

14. Have efforts been made to acquire additional land to be joined with subject premises? _____

If so, explain:

15. Explain reasons why relief should be granted (attach narrative giving complete factual and legal contentions).

16. Waiver of Attorney:

The applicant hereby waives his right to legal representation before the Board upon hearing of this application and declares his intention to appear for Himself or through an agent other than an attorney.

_____ Date _____

Signature of Applicant

17. Owner(s) Authorization:

The owner(s) of the subject premises consent(s) to said application and agree(s) to be bound by action taken thereon.

Signature of Owner _____ Date _____

18. Taxes on the subject premises have been paid through _____, 20_____.

19. Attached are copies of all easements, agreements and restrictions affecting the subject premises, including those proposed by Applicant in connection with this application.

20. I hereby certify that the above information is correct to the best of my knowledge and belief.

Signature of Owner _____ Date _____

Borough of Kenilworth

**Planning Board
Land Use Procedures
Variance Application Form
Part B – Variance Checklist**

Applicant's Name: _____

Items Required for a Complete Application

(S) Submitted

(NA) Not Applicable

(WR) Waiver Requested

1. _____ Original Application Form (Part A) together with 21 copies
2. _____ Original Application Form (Part B) together with 21 copies
3. _____ Original and 18 copies of signed and scaled, to scale property survey and/or site plan
4. _____ 21 copies of key map
5. _____ 21 copies of front, side and rear elevations of proposed construction
6. _____ 21 copies of factual and legal contentions
(i.e., what you want to do and why the Board should grant approval)
7. _____ Payment of application fee and escrow deposit
8. _____ Original of the Disclosure of owners of 10% or more of interests in corporations or partnerships
9. _____ Payment of property taxes (Tax Collector to Certify)
10. _____ Owner's authorization if not the applicant.
11. _____ If application involves a subdivision or major site plan, follow the appropriate application packet since any variances will be reviewed as part of the subdivision or major site plan application.
12. _____ Original document representing the Zoning Official's Denial

Items Required to be Submitted at Least 5 Days Prior to Hearing

1. Proof of publication showing notice at least 10 days prior to hearing.
2. Proof of notice to property owners and others delivered at least 10 days prior to hearing.

**BOROUGH OF KENILWORTH
PLANNING BOARD
SITE PLAN APPLICATION FORM
PART C -FOR VARIANCES AND CHECKLIST WAIVERS
(Not Required For Final Site Plans)**

Applicant's Name: _____

Variances from Zoning Ordinance Requirements

_____ None required. _____ Variances required as listed below:

Section	Brief Description
_____	_____
_____	_____
_____	_____
_____	_____

Waivers from Site Plan Ordinance Requirements

_____ None required. _____ Variances required as listed below:

Section	Brief Description
_____	_____
_____	_____
_____	_____
_____	_____

List of Approvals Required from Federal and State Agencies.:

_____ None required. _____ Variances required as listed below:

Section	Brief Description
_____	_____
_____	_____
_____	_____
_____	_____

Engineer's Certifications:

I, _____, hereby certify that I have read the Land Development Chapters of the Borough Ordinances and that the site plan drawings and accompanying documents were prepared under my supervision and comply with said chapters, except for the above waivers and/or variances.

Signed by: _____
License Number: _____
Address: _____

Title: _____
Date: _____
Phone Number: _____

Borough of Kenilworth

Planning Board

Variance Application Fee Schedule (Required Only for Variance Applications)

Application Fees

The following application fees covering administration and overhead shall be charged to the applicant for processing a Variance Application and shall be collected by the Borough at the time of submission of an application to the Planning Board for approval:

a.	Appeals (N.J.S.A. 40:55D-70a)	\$250.00
b.	Interpretation (N.J.S.A. 40:55D-70b)	\$250.00
c.	Bulk Variances (N.J.S.A. 40:55D-70c)	
	single family uses	\$380.00
	other residential and commercial uses	\$750.00
	industrial uses	\$1,750.00
d.	Use Variances (N.J.S.A.40:55D-70d)	\$750.00
e.	Permit (N.J.S.A. 40:55D-34 & 35)	\$150.00
f.	Notice Fee (ALL APPLICATIONS)	\$ 10.00

Escrow Deposits for Administration and Professional Services ***

The following deposits shall be submitted by the applicant at the time of submission of an application to the Planning Board for approval. Said deposit shall cover the cost of engineering, legal and professional planner review and documentation fees and disbursements. Where the review costs exceed or are anticipated to exceed the Deposit, the applicant shall pay the additional amount prior to the signing of any plat or certificate of occupancy. Failure to submit the additional required deposit within 15 days of request shall render the application incomplete, and the Board or other departments shall take no further proceedings or action. Where the review fees are less than the Deposit, the difference will be refunded to the applicant.

a.	Appeals (N.J.S.A. 40:55D-70a)	\$ 1,000.00
b.	Interpretation (N.J.S.A. 40:55D-70b)	\$ 1,000.00
c.	Bulk Variances (N.J.S.A. 40:55D-70c)	
	Residential	\$ 500.00
	Non-Residential	\$ 1,000.00
d.	Use Variances (N.J.S.A.40:55D-70d)	
	Single family use	\$ 600.00
	Multifamily residential	\$ 750.00
	Commercial/Industrial	\$ 4,000.00
e.	Permit (N.J.S.A. 40:55D-34 & 35)	\$ 2,000.00

Mr. Victor Vinegra, P.E., P.P., C.M.E. of Harbor Consultants has been retained by the Borough of Kenilworth as the Borough Engineer. Harbor is compensated on a time basis in accordance with a Contract on file in the Clerk’s Office and as per the fee schedule shown below. Fees are charged to the applicant through an escrow account for the review of Site Plans and Subdivisions, preparation for and attendance at meetings to discuss the application, preparation of reports, review of the final design for compliance with the Resolution of Approval and for subsequent inspection of improvements.

Harbor Consultants Fee Schedule

Licensed Professional Engineer	\$ /hr
Licensed Land Surveyor	\$ /hr
Licensed Professional Planner	\$ /hr
Staff Engineer	\$ /hr
Senior Engineering Technician	\$ /hr
Engineering Technician/Survey Technician	\$ /hr
Field Inspector	\$ /hr
Clerical	\$ /hr
Reimbursable Items	At Cost

Kevin O'Brien, P.P., A.I.C.P. is a New Jersey licensed Professional Planner who works at Shamrock Enterprises in Rahway (732-388-4765) and serves as the Borough Planner. Mr. O'Brien reviews applications for completeness, prepares a Planning Report for the Planning Board on the planning aspects of applications, advises the Board on the statutory criteria required to consider an application, and reviews the final design for compliance with the Resolution of Approval. He may be called upon to inspect improvements on a limited basis. His professional rate for all planning work is \$130 per hour.

Both the engineering professional and the planning professional invoice the Borough on a monthly basis and also provide advisory copies of each invoice directly to the applicant to keep them informed as to the costs incurred by them.

Borough of Kenilworth
Planning Board
Variance Application Form
Disclosure of Ownership Form

For corporations and partnerships for applications for major site plans or subdivisions, submit names of holders owning 10 % or more of interest in the land or the project.

1. If the ownership entity is a *partnership*, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.
2. If the ownership entity is a *corporation*, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or more of its stock of any class.
3. If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.
4. If the ownership entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.

Complete one of the Following Statements:

I. Stockholders or Partners owning 10% or more of the company providing the submission:

Name:

Address:

Signature: _____

Date: _____

II. No Stockholder or Partner owns 10% or more of the company providing this submission:

Signature: _____

Date: _____

III. Submission is being provided by an individual who operates as a sole proprietorship:

Signature: _____

Date: _____

IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following):

_____ Limited Partnership

_____ Limited Liability Corporation

_____ Limited Liability Partnership

_____ Subchapter S Corporation

Signature: _____

Date: _____

Borough of Kenilworth

Planning Board Variance Application Form Affidavit of Service

_____, The applicant, being duly sworn according to law upon his/her oath deposes and says that I have notified all owners of property situated within 200 feet of Block _____ Lot _____ and any other persons or entities required by law of the date, time and place of the hearing on my request for a variance and/or site plan and/or subdivision and/ or other relief.

A COPY OF THE NOTICE IS ATTACHED

The following persons were notified by personal service at the address set forth opposite their names (obtain signature and date of personal service, use additional sheet if necessary)

NAME	ADDRESS	SIGNATURE	DATE OF SERVICE

The following persons (you may attach the certified list from the Borough Tax Assessor) were notified by Certified Mail, Return Receipt Requested (the proofs of mailing and the receipts are attached hereto):

NAME	NAME	NAME	NAME

_____ Sworn and Subscribed to: _____

Applicant's Signature

Before me this _____ day of _____ 20 _____

Borough of Kenilworth

Planning Board Variance Application Form Instructions on Public Notice

Once you have been assigned a Calendar Number and Hearing Date, you must obtain a certified list of all properties located within a radius of two hundred (200) feet of the property for which you seek Board approvals. The list shall be obtained from the Tax Collector's Office, It shall include the names and addresses of the owners of such "200' properties" as shown by the most recent tax list of the Borough.

The attached notice, properly filled out, must be published in the Official Newspaper of the Borough: The Cranford Chronicle or the Star Ledger. This notice must be **in the Official Newspaper** at least ten (10) days prior to the public hearing involving an application before the Kenilworth Borough Planning Board.

In addition, the notice must be served on owners of all real property within 200 feet (in all directions) either by personal service or certified mail at least ten (10) days prior to the hearing date. Notice must be given by:

1. Personally, serving a copy thereof on the property owner or upon his agent in charge of the property signature of same required), or
2. By mailing a copy thereof by certified mail to the property owner at his address as shown on the tax list,

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its President, Vice President, Secretary or other persona authorized by appointment or by law to accept service on behalf of the corporation, (e.g. registered agent),

It may also be necessary to notify the Clerk of the adjoining municipality if the subject property is within 200 feet of the municipal boundary line; the County Planning Board if the subject property is adjacent to an existing or planned county road or adjoins county land or is situated within 200 feet of a municipal boundary line; and the Commissioner of the State Department of Transportation if the subject property is adjacent to a state highway.

Notice shall be given to the Director of the Division of State and Regional Planning in the Department of Community Affairs in Trenton if your application is for development of property which exceeds 150 acres or 500 dwellings. Such notice shall include a copy of any maps or documents required to be on file with the Borough clerk pursuant to Section 6(b) of C.291 Laws of New Jersey, 1975.

Proof of publication and affidavit of notice must be filed with the Secretary of the Board at least five (5) days prior to the public hearing.

Borough of Kenilworth

Planning Board Variance Application Form Notice of Hearing

Please take notice that an application as been made to the Kenilworth Borough Planning Board as follows:

Applicant: _____

Property located at: _____

Designated as Block _____ Lot _____ on the tax map of Kenilworth Borough

For relief from Section _____ of the Kenilworth Borough Zoning Ordinance to Permit _____

_____ which is contrary to the Kenilworth Borough Zoning Ordinance. In addition, the applicant is seeking any and all other waivers or variances that may be determined necessary during the course of the public hearing.

A public hearing on this application is on the Planning Board's calendar for _____, 20____. The public hearing will be held at Borough Hall, 567 Boulevard, Kenilworth, New Jersey at 7:30 p.m. at which time all persons affected by this application may be heard.

All documents filed with this application are available for public inspection during normal business hours at the office of the Secretary to the Board located at Borough Hall, 567 Boulevard, Kenilworth, New Jersey

Applicant's Signature

Date

THIS NOTICE HAS BEEN SENT BY THE ABOVE APPLICANT BY ORDER OF THE KENILWORTH BOROUGH PLANNING BOARD AS YOUR PROPERTY IS LOCATED WITH 200' OF THE SUBJECT APPLICATION

Borough of Kenilworth
Planning Board
Variance Application Form
Notice of Decision for Newspaper Publication

TAKE NOTICE THAT on the _____ day of _____ 20____, The Planning Board of the Borough of Kenilworth, after a public hearing, (Denied) (Approved) the application of:

Name: _____

Address: _____

For an application for development and/or variance regarding _____

and that determination of said Planning Board has been filed in the office of said Board at the Municipal Building, Borough of Kenilworth, 567 Boulevard, Kenilworth, New Jersey and is available for inspection.

_____ Date _____

Applicant

Borough of Kenilworth

Planning Board Variance Application Form Contact Information

Kenilworth Officials

Mayor	Linda Karlovitch	Borough Engineer
Police Chief	Fred Soos	Harbor Consultants
Borough Clerk	Angela Lazzari	Victor Vinegra, P.E.
Superintendent, DPW	Michael Calixto	320 North Ave. East
Recoding Secretary	Kathleen Moschitta	Cranford, New Jersey 07016
Administrative Assistant	Iris L. Ramos	

Utility Notices, Personnel & Mailing Address

*****For an updated list you must request a copy from the Tax Department.*****

Note: Effective August 7, 1991, an amendment to the Municipal Land Use Law requires that notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan, which require public notice, shall be given to all public utilities and cable television companies that own land or any facility or that possesses a right-of-way or easement within 200 feet in all directions of the property which is the subject of such hearing. Engineers and others should obtain a copy of the amendment to ensure compliance with the changes.