

**LAND USE BOARD OF THE BOROUGH OF MOUNT EPHRAIM  
INSTRUCTIONS FOR FILING APPLICATIONS**

**NOTE: THESE INSTRUCTIONS ARE FOR THE PURPOSE OF PROVIDING GUIDANCE AND ASSISTANCE TO APPLICANTS. APPLICANTS ARE URGED TO REVIEW ALL APPLICABLE LOCAL ORDINANCES, THE MUNICIPAL LAND USE LAW AND/OR SEEK THE ADVICE OF A ZONING OR LAND USE ATTORNEY. THE LAND USE BOARD ("BOARD"), THROUGH ITS SECRETARY, MAY ANSWER QUESTIONS THAT AN APPLICANT MAY HAVE, BUT IT IS THE APPLICANT'S SOLE RESPONSIBILITY TO COMPLETE THE APPLICATION IN A SATISFACTORY MANNER. THE BOARD DOES NOT ASSUME ANY LIABILITY FOR FAILURE BY THE APPLICANT TO REVIEW AND PREPARE AN APPLICATION IN ACCORDANCE WITH THE ORDINANCES OF THE BOROUGH OF MOUNT EPHRAIM OR THE LAWS OF THE STATE OF NEW JERSEY.**

APPLICATIONS

There are two separate applications: (1) Application for Site Plan Approval or, Subdivision Approval, With or Without Variances; or (2) Application for Variances, Conditional Use Approval, Appeals, Interpretations and Certificates of Nonconforming Use or Structure. The appropriate application must be filled out in its entirety. Each application specifies the number of copies needed and to whom the copies must be delivered to. An Application Checklist ("Checklist") is attached to each application. All Checklist items must be submitted with the application.

Note that if the applicant is different from the owner, both the applicant and the owner must sign the application. If the applicant is a corporation or partnership, a Disclosure Statement must be submitted with the application. A Disclosure Statement is attached to each application.

SUBMISSION DEADLINE

The Applications must be submitted to the appropriate parties at least twenty-one (21) days before the public hearing at which the applicant desires the Board to consider the application. The Board hearings are generally held on the second Wednesday of each month at 7:00 p.m. Check with the Land Use Board Secretary for exact dates. There is no guarantee that the application will be heard on the desired hearing date. The Board has forty-five (45) days to determine whether or not an application is complete and to schedule it for a public hearing. Once an application has been deemed complete, the applicant will receive a Notification to Applicant of Public Hearing Date. This notification will inform the applicant of the scheduled hearing date.

## NOTICE REQUIREMENTS

Notice of the hearing must be given to all property owners located within 200 ft. in all directions of the property that is the subject of the application. Notice may also be required to additional parties. See N.J.S.A. 40:55D-12. It is important that the notice be sufficiently precise so that all parties entitled to receive the notice are adequately informed of the nature of the application.

Notice may be given by certified mail, return receipt requested or by personal service, which means personally hand delivering the notice directly to the property owner. All notices must be given at least ten (10) days before the hearing. No hearing on an application can take place without evidence of proper notice. A sample Notice of Hearing to Property Owners is attached to each application.

## PUBLICATION

Notice of the hearing must be published at least ten (10) days before the hearing in either *The Retrospect* or *The Courier Post*. The applicant must request that the newspaper send an affidavit of publication to the applicant immediately upon publication. No hearing on an application can take place without evidence of publication having taken place. A Notice of Hearing for Publication is attached to each application.

Following the adoption of a resolution memorializing the Board's decision on an application, notice of the Board's decision must be published in the *The Retrospect* or *The Courier Post*. The Borough publishes such notice only on behalf of the applicants who submit an Application for Variances Only. Other applicants must publish such notices themselves.

## AFFIDAVIT OF PROOF OF SERVICE AND PROOF OF PUBLICATION

An Affidavit of Proof of Service and Proof of Publication must be submitted to the Board at least two (2) days prior to the hearing, evidencing that the proper notifications and proper publication have been made. A form Affidavit of Proof of Service and Proof of Publication ("Affidavit") is attached to each application. The Affidavit must be submitted along with copies of the certified list or personally obtained list of property owners within 200 ft. that was relied upon in serving notice, copies of the notices given, the original certified mail receipts stamped by the Post Office and the affidavit of publication from the newspaper. Note that if notice and publication are not properly given the Board has no jurisdiction or power to act on or hear an application.

## PAYMENT OF PROPERTY TAXES AND ASSESSMENTS

No application will be heard unless all taxes, assessments, or other amounts due and owing to the Borough on the property are paid in full. A Verification of Taxes and Assessments is attached to each application. The applicant must obtain the signature of the Tax Collector. The executed form shall be submitted with the application.

## FEES

All applicable fees and escrows must be paid at the time of submission of the application. Separate checks must be submitted for escrow and application fees. Contact the Land Use Board Secretary for the applicable fees and escrows.

## OTHER APPLICATIONS

The Board is not the only agency which has approval or review authority over land development applications. A large number of applications must be referred to adjacent municipalities, counties (County Planning Board), various state agencies or federal agencies for information or approval. It is the applicant's responsibility to submit all applications and provide notice to other required agencies.

## HEARING

All applications to the Board require a public hearing. On the hearing date there are generally several applications to be heard by the Board. When an application is called, the applicant has the responsibility of showing that the applicant deserves the requested approval. If the applicant is an individual, the applicant may present his own case or be represented by an attorney. If the applicant is a business entity, other than a sole proprietorship, the applicant must be represented by an attorney. The applicant and any witnesses should be prepared to present testimony under oath on any relevant evidence. Any interested party may cross-examine the applicant and his witnesses and present testimony and evidence objecting to the application.