

Town of Phillipsburg Instructions for Development

Please be advised the first two (2) steps for ANY development are:

1. **Prior to making any application to either Board you must file a Zoning Permit with the Zoning Officer of the Town of Phillipsburg, (Per Town of Phillipsburg Town Code 625-72.), \$25 fee.**
2. **All taxes and sewer bills must be paid up to date before the application can proceed. There cannot be any liens against a property. (Per NJ Land Use law NJSA 40:55D-39.)**

Applications:

1. Applicants shall make a zoning application to the Zoning Official for determination of approval to apply to the proper Land Use Board.
2. The applicant must submit a formal written application on forms provided by the designated municipal employee for all development proposals to the Planning Board or appeals to the Zoning Board of Adjustment **28 days in advance of the meeting date along with the non refundable application fee, escrow fee, and certified property list fee.** Forms may be obtained from the designated town employee, located in the Department of Inspections, 120 Filmore Street, Phillipsburg, NJ 08865 (908) 454 5500 ext. 341 or online @www.phillipsburgnj.org.
3. Applicants shall make a request (including a \$10 deposit) for a certified list of property owners located within 200 feet of the proposed project or .25 cents which ever is greater. **(Per NJ Land Use law NJSA 40:55D-12C.)**
4. In order to ensure the expeditious processing of the application, the applicant should be careful to comply fully and promptly with all requirements.

Application fees:

5. Upon receiving your completed application (s) you will be required to remit to the Town of Phillipsburg one or a combination of the following **non refundable** application fees (A-G). The application /appeal fees are determined by the nature of the development proposal and the type of appeal to the Board.
 - A. An appeal to the Board from a decision, order, requirement or refusal of the Administrative Officer in accordance with N.J.S.A. 40:55D-70a. **(\$100.00 one hundred dollars)**
 - B. A request to the Board for an interpretation of the zoning map or zoning ordinance in accordance with N.J.S.A. 40:55D-70b. **(100.00 one hundred dollars)**
 - C. An appeal to the Board to grant a variance from the zoning regulations, which pertain to the “Bulk Requirements” or other

regulations for the district (other than "Use"), in accordance with N.J.S.A. 40:55D-70c. (**100.00** one hundred dollars)

- D. An appeal to the Board to grant a "Use" variance for a use not permitted in the district, a deviation from a specification or standard pertaining to conditional uses, or to expand a non- conforming use in accordance with N.J.S.A. 40:55D-70d. (**\$300.00** three hundred dollars)
- E. Site Plans associated with a Bulk Variance:
 - 1. Minor Site Plan **\$ 100.00** (one hundred dollars).
 - 2. Preliminary (Major) Site Plan **\$ 175.00** (one hundred seventy five dollars).
 - 3. Final (Major) Site Plan **\$ 150.00** (one hundred fifty dollars).
- F. Subdivisions associated with a Bulk Variance:
 - 1. Minor Subdivision **\$100.00** (one hundred dollars).
 - 2. Preliminary Major Subdivision **\$100.00** (one hundred dollars) plus 20.00 (twenty dollars) per lot.
 - 4. Final Major Subdivision **\$100.00** (one hundred dollars) plus **10.00** (ten dollars) per lot.
- G. Request for waiver of a site plan **\$35.00** (thirty five dollars).

In addition to the application fees there is a non-refundable fee to provide you with a list of properties that are within 200 feet of the subject property, and the owners of these properties. The property list fee is **10.00** (ten dollars) or **0.25** (25 cents) per name whichever is greater. (**Per NJ Land Use law NJSA 40:55D-12C.**)

The application and property list fee shall be remitted in cash or by check, (**made payable to the Town of Phillipsburg**), to the Designated Town Employee.

Note : The remittance for the application and property list fees shall only include these amounts on a separate check.

Escrow fees:

- 6. You will need to establish an Escrow Account as per NJ Municipal Land Use Law NJSA 40:55D-52C in addition to the application and Property List fees mentioned above. The escrow fees are used by the Board to retain and compensate the Board Attorney and Board Engineer and to fulfill other statutory obligations in respect to decisions by the Board and for the preparation of the Resolution of an appeal. **Please be advised that if the application is withdrawn, the escrow account will be subject to a 20 % administration fee. (Per Town of Phillipsburg Town Code 290-1)**

- A. For appeals in accordance with (5) A, B, or C above \$ 200.00 (two hundred dollars).

- B. For appeals in accordance with (5) D above \$300.00 (three hundred dollars).
- C. For Subdivision or Site Plans associated with a “Use Variance” the fees are calculated in accordance with Chapter 360 Land Use Procedures.

These escrow fees are the minimum, which need to be established. There are times when the complexity or other costs associated with your appeal may exceed these minimums and this account will need to be replenished if the balance falls below 35% of the original amount. Unused portions of the Escrow are returned to the applicant after the Board has heard your case, rendered a decision and the Board Professionals, (Attorney and Engineer), have finalized their work on your development application.

The escrow fees are payable in cash or a separate check (remember, One check for the application and property list fees and one check for the Escrow fee.)

Filing of Applications:

7. All applicants for site plan and subdivision approval, or appeals to the Board of Adjustment must be submitted at **28 days** in advance to the Planning Board or Board of Adjustment.

A. Applicants wishing to make application for preliminary and or final site plan approval shall follow the requirements contained in Chapter 510 of the Town Code of the Town of Phillipsburg.

B. Applicants wishing to make applications for subdivisions shall follow the requirements contained Chapter 555 of the Town Code of the Town of Phillipsburg.

8. Complete applications must be submitted in its entirety including the following:

- a. Corresponding letter with a detailed description of the submitted material.
- b. Application forms and completed checklist(s).
- c. Filing fees made payable to the Town of Phillipsburg.
- d. You will need to provide **16 (sixteen copies)** of the original along with an equal number of all the information you are providing to the Board of Adjustment or Planning Board. These may and should include maps, surveys, plot plans, building or other structural details or other information, which the Board will review and consider when making a decision. **ALL THESE MUST BE FOLDED or they will not be accepted.** The more accurate the information you provide the easier it will be for the Board to make its decision.

- A. Once you have submitted the application and the **16 (sixteen copies)**, paid the application and property list fees and established an escrow account; you will be supplied with a list of property owners within 200 feet of your property along with other forms and instructions you will need to fulfill **your** statutory obligations to notice in accordance with the Municipal Land Use Laws. You will be given a **Case #----- or File #-----** (PN-1) that you will put on your notice to the property owners and the date that your case is scheduled to go before the Board. The content of the notices must accurately describe what it is you want to do and what you are appealing.

**** Note:** You may use the text on the **Denial of Zoning Permit** to prepare your Notice to property owners.

- B. Follow the instructions for public notice on the attached sheets, And provide the proofs of Notice to the Land Use Technical Assistant **at least 10 days prior to the meeting date**. If you do not **notice correctly** your case **cannot** by State Statute be heard by the Board.

- C. **The regular meetings of the Boards are as follows:**

Planning Board meetings are normally held the fourth Thursday of the month at 7:00 PM, except Nov and Dec.

Please contact the Land Use Technical Assistant for the meeting location at planningboard@phillipsburgnj.org or call 908-454-5500 ext 341.

(UNLESS OTHERWISE STATED)

**INSTRUCTIONS FOR PUBLIC NOTICE
FOR THE PLANNING BOARD and BOARD OF ADJUSTMENT**

9. Notice shall be given to all property owners listed on the certified mailing list **10 days** prior to the meeting date. They must be personally served or be notified by certified mail using the completed “Notice of Hearing to Property Owners, **Form PN-1**” which has been supplied to you.

10. Notice shall be given to all public utilities listed on the Public Utilities List **10 days** prior to the meeting date. In addition to the property owners within 200 feet of the subject property, you must serve the Notice to the following public officials if the conditions warrant notice.
 - a. If the property is within 200 feet of Lopatcong Township, serve the Lopatcong Township Clerk, Lopatcong Municipal Building, 223 Third Street, Morris Park Phillipsburg, NJ 08865.

 - b. If property abuts a County Road*, serve the Secretary of the Warren County Planning Board, 165 County Route 519, Belvidere NJ 07823 -1949

 - c. If the property is on a State Highway**, serve the Commissioner of Transportation, N.J.D.O.T., 1035 Parkway, Trenton NJ 08625, CN 600.

***County Roads**

1. North Main from Memorial Parkway to Lopatcong Township.
2. South Main Street from Sawmill to Pohatcong Township.
3. Lincoln Street from Belvidere Road to Memorial Parkway.

**** State Highways**

1. Rt. 22/ Memorial Parkway
2. South Main Street (Alt. Rt. 22)

11. “Affidavit of Service of Public Notice” (**Form PN-2**) must be completed, notarized, and returned **10 days prior** to the hearing date.

12. You must list the property owners that you have sent the Notice to by certified mail on the Schedule of Property Owners Served by Certified Mail (**Form PN-3**). (**return 10 days** prior to the meeting date). Attach the copies of the Certified mailing receipts (white) that you have received dated and stamped by the Post Office and **return 10 days** prior to the meeting date. Return green cards showing proof of receipt by the property owner **5 days** prior to the meeting date.

13. You must list the property owners that you have hand delivered the Notice to on the Schedule of Property Owners Served by Personal Service (**Form PN-4**). The person must be the owner of the Property and of legal age. (Do not serve these notices to a tenant or neighbor or anyone other than the owner). **Complete and return (10 days prior) to the hearing date.**

14. You must advertise the contents of Form PN-1 in the Legal section in THE EXPRESS TIMES OR THE FREE PRESS/ STAR GAZETTE at least 10 DAYS PRIOR TO THE HEARING and meets the planning board attorney's approval. Please Note: Deadline for the Star Gazette is 3 Fridays before the meeting date and the Express Times and at least a 2-day holding period on all legal ads. Please check ahead with the newspaper for any deadlines. You shall obtain from the newspaper a "Proof of Publication" a statement, which you must submit to the Planning & Zoning Department. (Express Times, Legal Department (610) 258-7171 ext. 1073 ask for Loren; Star Gazette, Legal Department is (908) 852-1212 ext. 3601; (proof of advertisement shall be returned 5 days prior to the meeting date.

15. In order to insure that everything is in proper order we must have the following documents returned to the Planning & Zoning Department, 120 Filmore Street, Phillipsburg, NJ 08865 **10 days** prior to the meeting date (except G & H).
 - A. The Notice of Hearing (PN-1) you served to the property owners.
 - B. The **original** Affidavit of Service of Public Notice (PN-2)
 - C. The **originals** of the Schedule of Property Owners Served by Certified Mail (PN-3).
 - D. The **original** Certified Mailing receipts that are dated and stamped by the Post Office (white slip).
 - E. The **original** of the Schedule of Property Owners Served by Personal Service (PN-4), (if any).
 - F. The **original** Application for Development, Tax & Sewer Utility Certification.
 - G. The **original** Proof of Publication from the Express Times or Star Gazette
 - H. The **original** return green cards showing proof of receipt by the property owner.

You must return items A, B, C, D, E, & F at least 10 days prior to the meeting date. Item G & H may be returned at 5 days prior to the meeting.

******NOTE:** The Notice to the property owners and the Notice in The Express (legal section) **MUST** be performed **AT LEAST 10 DAYS PRIOR** to the night of the hearing. Your file/case will

not be placed on the agenda if we do not receive A thru F 10 DAYS PRIOR to the meeting date. Do not count the day of the hearing when counting the 10 days.

It is the responsibility to remit a copy of the application and plans for letters of approvals to the following Town Officials:

**Town of Phillipsburg
Fire Chief Richard Hay
675 Corliss Ave.
Phillipsburg, NJ 08865**

**Town of Phillipsburg Emergency
Squad Captain
360 Prospect Street
Phillipsburg, NJ 08865**

**You must also obtain a “Will Serve” letter from the Sewer Engineer:
Remington & Vernick Engineers
232 Kings Hwy E #E
Haddonfield, NJ 088033-1907**

Legal Representation

While it is in no way mandatory, if the Applicant feels the procedures in following to prepare this Application for relief from provisions of the Code of the Town of Phillipsburg are not clear or there are questions regarding the Application, it is recommended that the Applicant obtain the advice or representation of an attorney licensed in the State of New Jersey and experienced in planning and zoning matters. Corporations, for-profit and not for-profit, must be represented by an attorney licensed in the State of New Jersey.