January 2009

TO: Applicants & Professionals
RE: 2009 Applications to Middle Township Planning and Zoning Boards

Starting in January 2009 there are some changes in the forms and procedures involved in submitting applications to the Township's Planning and Zoning Boards. Please particularly note the following.

A revised application form with instructions was adopted. The new form **MUST BE USED** rather than any previous ones.

All applications are now subject to an APPLICATION ACCEPTANCE CHECKLIST REVIEW at the time of submission. PLEASE REFER TO THE CHECKLIST WHEN COMPLETING YOUR APPLICATION. If all submission checklist items are not satisfied the application package will be immediately returned to the applicant and will not be sent to the Engineer for a completeness review.

All proofs of publication and certified mail receipts together with the service affidavit must be submitted to the Zoning Office **FIVE BUSINESS DAYS** prior to the hearing date. Certified mail receipts shall be placed in the **ORDER OF THE NAMES** specified on the property owner's list.

All plans must be **FOLDED,** not rolled and the title block must be visible.

A Final Subdivision application package must include a FINAL PLAT as well as Final Construction drawings and documents. NO FINAL APPROVALS shall be processed or granted UNTIL all preliminary approval conditions have been satisfied and all other governmental approvals have been secured.

Any revised plans submitted before the hearing date must be delivered to the Zoning Office and the Board Engineer at least 10 days prior to the hearing. An additional application fee of $400.00 and escrow fee of$600.00 must accompany the revised plans.

As of September 28, 2005 the Township of Middle adopted a new Ordinance No 1206-05, amending Chapter 142 of the Code of the Township of Middle. You are now required to submit a separate check made payable to the Bureau of Fire Prevention for the required amount of the review, by the fire department, of the specific type of

application you are submitting. You will find an enclosed form titled Bureau of Fire Prevention explaining the fees and procedure.

The County Planning Department forms in the application package must be submitted directly with the County together with the required fees.

In order to aid you in submitting an application package the following are being provided to you: 1) An application acceptance checklist; 2) New applications for the Planning Board, and Zoning Board.

If you have any questions please contact the Zoning Office. Thank you for your cooperation.

MIDDLE TOWNSHIP ZONING OFFICE

MIDDLE TOWNSHIP PLANNING & ZONING BOARD APPLICATIONS

Items an applicant should be aware of when submitting an application

1. The submission deadline for all meetings shall be the first of the month for the next month's meeting. (For example: January 1, 2009 for the February 2009 meeting.)

2. All required items must be submitted at one time and may not be delivered to the Zoning Office piecemeal.

3. Only the Planning Board and Zoning Board forms, as applicable, are permitted. No other forms shall be accepted. Applications for minor subdivision approval, final major subdivision or final major site plan approval must include the designated application package and the submission of minor or final plans alone will not be accepted.

4. All application forms must be signed and notarized when so noted.

5. All plans must be folded (not rolled) and the title block must be faced up and readable without refolding the plans.

6. **Twenty (20) copies are required** of the subdivision or site plan, **five (5) copies are required** of an architectural plan, one set should be brought to the meeting and entered as an exhibit; application form and attachments to it; applications involving subdivisions, if applicable; applications involving site plans, if applicable. **Three (3) copies** of all other forms are required: this includes traffic studies, environmental impact statements, drainage calculations and similar technical documents.

7. All fees (application and escrow) must be supplied. Separate checks payable to the Township of Middle are required. Final major subdivision and site plan approvals shall not be granted at the same hearing as the preliminary approval. Accordingly, **do not submit the fees for final approval** applications when submitting the preliminary approval application. **Submit one (1) copy of the escrow forms.**

8. A separate check is required for review of the application by the appropriate fire department. You will find an enclosed form explaining the appropriate fee for your type of application. Please make checks payable to **Bureau of Fire Prevention** and submit it to the zoning office with your application package.

9. A signed W-9 form must be supplied together with all other forms relating to application and escrow fees. **Submit one (1) copy only of this form.**

10. The applicant must secure the Tax Collector's Office signature on the proof of payment of taxes form. THIS WILL NOT BE DONE BY THE ZONING OFFICE. **Submit one (1) copy only of this form.**

11. Final Subdivision applications must include a Final Plat not just Final Construction Documents. No Final Approval application is to be submitted until all

conditions of preliminary approval have been satisfied and all other governmental approvals have been secured.

12. **Revised plans** submitted prior to the hearing must be received 10 days prior to the hearing date and **must be accompanied by additional application fee of $400.00 and an additional escrow fee of $600.00.** Twenty (20) copies are required.

13. **Tax map fee of $100 per lot** will have to accompany mylars and paper copies. Check made payable to **Township of Middle.**

SUBMISSION FORM BREAKDOWN FOR MIDDLE TOWNSHIP PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

ACCEPTANCE CHECKLIST

When an application for development is submitted to the Zoning Office for filing the application package shall be reviewed before it is accepted for filing and for forwarding to the Board Engineer for a completeness review. If the application does not meet all requirements noted below it shall be returned to the party filing it for correction and re-filing. **Please sign to acknowledge all items are done.**

Date: _____

Applicant: _____

Applicant's e-mail: _____

Block: _____ Lot(s): _____

____ 1. Twenty (20) copies of all plans (subdivision, site plan)

____ 2. Five (5) copies of architectural plans

____ 3. Twenty (20) copies of the Application Form (you need not copy instruction pages)

____ 4. Twenty (20) copies of either the Subdivision Form or Site Plan Form (whichever pertains to your application)

____ 5. Three (3) copies of photos of the site (if required)

____ 6. One (1) copy of the Survey/Plan/Plat Affidavit

____ 7. One (1) copy of Escrow & Application Fees

____ 8. One (1) copy of W-9 form

____ 9. One (1) copy of completed Proof of Payment of Taxes form

____ 10. One (1) copy of Notice of Hearing of Application form (to be submitted five (5) business days prior to hearing date)

____ 11. One (1) copy of Affidavit of Service & Publication (to be submitted five (5) business days prior to hearing date)

____ 12. Three (3) copies of additional submissions such as traffic studies, environmental impact statements, drainage calculations and similar technical documents (if applicable)

____ 13. Two (2) separate checks made payable to **Township of Middle** for application and escrow fees

____ 13. One (1) check made payable to **Bureau of Fire Prevention** (if applicable)

____ 14. Submit County forms directly to the County Planning Board along with the appropriate County fees.

_____
Signature of the Applicant

_____
Initials from
Zoning Office

MIDDLE TOWNSHIP ZONING BOARD

APPLICATION FORM

Block: _____ Lot(s): _____

Name and address of applicant:

_____

_____

Applicant's telephone number:
Home: _____
Work: _____

Applicant's fax number:
Home: _____
Work: _____

Applicant's e-mail address: _____

Property owner's name, address, telephone number(s) and fax number(s) if different from #1 and #2 above:

_____

_____

_____

Relationship of applicant to owner:

_____

If holder of contract to purchase attach copy of contract

If other than owner, explain status, sign (and have notarized), the Consent To Application by Owner portion of this application form. This is located at the bottom of the **Verification of Application** page.

_____

_____

_____

List the names, addresses, telephone, fax numbers, professions, and e-mail addresses of ANY and ALL professionals employed by the applicant in completing the application to the Zoning Board and/or intended to be called as witnesses at the hearing on the application.

Name:	Address:	E-mail:	Phone:	Fax:

If applicant is a corporation or partnership, list all stockholders or partners owning 10% or more of the corporation or partnership and list their respective names, addresses, e-mail addresses, and telephone numbers:

Name:	Address:	E-mail:	Phone:

Location of premises:
Street address: _____
Tax Block: _____ Tax Lot(s): _____
Tax Map Sheet No.: _____

Zoning District in which premises is located: _____

B	Business
CD	Coastal Development
HV	Hildrith Village
R	Residential
RB	Residential Business
RC	Rural Conservation
SR	Suburban Residential
TB	Town Business
TC	Town Center
TP	Town Professional
TR	Town Residential
VC	Village Commercial
VR	Village Residential

Type of application presented: (designate all types of approvals sought)

_____ Appeal from decision of Zoning Official (N.J.S.A. 40:55D-70a)

_____ Interpretation of Zoning Ordinance or Zoning Map (N.J.S.A. 40:55-70b)

_____ Hardship variance (N.J.S.A. 40:55D-70c(1))

_____ Flexible (C) variance/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))

_____ Use variance (N.J.S.A. 40:55D-70d)

- _____ 1) Use or principal structure
- _____ 2) Expansion of non-conforming use
- _____ 3) Deviation from conditional use standard
- _____ 4) Increase in permitted floor area ratio
- _____ 5) Increase in permitted density
- _____ 6) Height of principal structure greater than 10 feet or 10% of maximum height permitted

_____ Permit to build in street bed (N.J.S.A. 40:55D-34)

_____ Permit to build where lot does not abut street (N.J.S.A. 40:55D-36)
_____ Site plans *
- _____ Minor
- _____ Major
  - _____ Preliminary
  - _____ Final

_____ Waiver of site plan itself *
_____ Subdivision
- _____ Minor
- _____ Major
  - _____ Preliminary
  - _____ Final

_____ Waivers from subdivision and/or site plan standards *
_____ Conditional Use Approval where all conditional use standards are satisfied *
_____ Other

*Where application is made to Zoning Board pursuant to N.J.S.A. 40:55D-70(d)

Describe project and list **ALL** variances and approval(s) sought. For variances indicate Ordinance Section not satisfied.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Supply the following information concerning this application. If more than one lot is involved, attach additional sheets.

	EXISTING CONDITION	REQUIRED BY ORDINANCE	PROPOSED	VARIANCE REQUIRED YES/NO
LOT SIZE:				
Lot Area	_____	_____	_____	_____
Lot Frontage	_____	_____	_____	_____
Lot Width	_____	_____	_____	_____

PRINCIPAL BUILDING

Side Yard Each	_____	_____	_____	_____
Side Yard Total	_____	_____	_____	_____
Front Yard	_____	_____	_____	_____
Rear Yard	_____	_____	_____	_____
Building Height (max.)	_____	_____	_____	_____

ACCESSORY BUILDING

Side Yard, Each	_____	_____	_____	_____
Rear Yard	_____	_____	_____	_____
Distance to Other buildings	_____	_____	_____	_____
Building Height (max)	_____	_____	_____	_____

MAXIMUM COVERAGE

Building Coverage (%)	_____	_____	_____	_____
Lot Coverage (%)	_____	_____	_____	_____

BUFFER
(Describe type)

_____
_____
_____

	EXISTING CONDITION	REQUIRED BY ORDINANCE	PROPOSED	VARIANCE REQUIRED YES/NO
PARKING No. of spaces	_____	_____	_____	_____

SIGNS
(List all separately)

Size	_____	_____	_____	_____
Number	_____	_____	_____	_____
Type (Free-Standing or Building Mounted)	_____	_____	_____	_____

OTHER REGULATIONS

Is a public water line available? _____ Yes _____ No

Is a public sanitary sewer line available? _____ Yes _____ No

Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state which Board, state the nature of application, date of application, date of hearing and result received from Board.

_____

_____

_____

List any adjoining lands owned by applicant and or by owner of parcel subject to the application.
Supply tax block(s) _____ and lot(s) _____

JUSTIFICATION FOR RELIEF SOUGHT

A short summary of the reasons why the applicant is entitled to the relief sought from the Zoning Board is to be provided on a **separate sheet(s) of paper** and enumerated with the appropriate paragraph number under which the relief is sought (paragraph numbers 1-11 inclusive).

See **APPENDIX** of this form for information concerning proofs necessary to secure approvals for applications of the type noted in paragraphs 1-11 inclusive.

1. Attach to this application a statement of facts showing why the variance relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Middle Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan. In cases of a use variance, supply an enhanced quality of proof that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. This proof must reconcile the proposed use variance and the Zoning Ordinance's omission of the use form those permitted in the Zoning District in question.

2. Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1).

3. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2).

4. Attach to this application a statement setting forth the "special reasons" for granting this variance pursuant to N.J.S.A. 40:55D-70d.

5. Attach to this application a statement setting forth specifically the determination of the Zoning Official from which an appeal has been filed and the basis for the appeal. (N.J.S.A. 40:55D-70a)

6. Attach to this application a statement setting forth specifically the Zoning Ordinance section and provisions and/or the portion of the zoning map for which an interpretation from the Zoning Board is sought. Set forth the interpretation sought by the applicant. (N.J.S.A. 40:55D-70b)

7. Conditional Uses. Attach to this application, a statement setting forth how the application meets the standards for approving a Conditional Use. Conditional uses must meet general requirements listed in the Middle Township Zoning Ordinance (Section 250-26.1) as well as those applicable to the respective, specific use noted in Section 250-27 through 250-46 inclusive.

8. Attach specific reasons for applications pursuant to N.J.S.A. 40:55D-34 (Issue a permit for structures to be in the bed of a street).

9. Attach specific reasons for applications pursuant to N.J.S.A. 40:55D-36 (Permit to erect structure on lot not abutting approved street).

10. Attach statement of waivers from which specific individual Subdivision/Site Plan Ordinance standards are sought and the proposed alternative.

11. Attach statement of reasons for requesting waiver of site plan itself and of any adverse effect that may result.

VERIFICATION OF APPLICATION
(INDICATE STATUS OF APPLICANT BELOW)

_____ Applicant is owner of property
_____ Applicant is not owner of property but has an Agreement of Sale and the consent of the owner to make this application.
_____ Other (specify)

STATE OF NEW JERSEY:

ss

COUNTY OF CAPE MAY:

_____, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the application form, survey, subdivision plan, site plan and related documents submitted in connection with this application is true and correct and that they accurately portray the proposed project for which Planning Board approvals are sought.

_____
Applicant's Signature

Sworn and subscribed to
before me this _____
day of _____, 20_____.
Notary Public
My Commission Expires _____

CONSENT TO APPLICATION BY OWNER OF PREMISES
(NEED NOT BE SIGNED IF OWNER IS APPLICANT)

I hereby consent to the application submitted to the Middle Township Zoning Board with regard to the premises referred to in this application which premises is owned by me. Further, I agree to be bound by the following:

1) The application as submitted to the Board.
2) Representations made by the applicant as contained in the application and any and all documents submitted with the application or submitted at the hearing on the matter.
3) All representations made by the applicant to the Board at the hearing on the matter.
4) All agreements made by the applicant with regard to any and all requirements of the Board and any and all conditions of approval imposed by the Board.

_____
Owner's Signature

Sworn and subscribed to
before me this _____
day of _____,20_____.
Notary Public
My Commission Expires_____

NOTE: A corporate applicant and/or owner certification must be signed by a fully authorized corporate officer and the seal of the corporation must be affixed. For partnership applicants and/or owners this certification must be signed by a general partner and he must be designated as such by notation beneath his signature.

APPENDIX FOR APPLICATION FORM

Paragraphs 1-11

This Appendix shall not be attached to the Application Form. It is provided in order to supply Applicant with information concerning types of proofs that will be required for the various applications to the Zoning Board.

A short summary of the reasons why the Applicant is entitled to the relief sought from the Zoning Board must be provided on a separate sheet of paper and enumerated with the appropriate paragraph numbers under which the relied is sought (Paragraph numbers 1-11).

By law, variances can only be granted where the applicant is able to satisfy both positive and negative criteria established by the Municipal Land Use Law. No variance relief of any type may be granted unless the variance or relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. Hardship variances (40:55D-70c(1)) can only be granted where an exceptional condition exists with regard to a specific piece of property, where exceptional topographical conditions or physical features uniquely affect a specific piece of property or where by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon the strict application of the zoning requirement would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of the property. Relief under the flexible C type variance (N.J.S.A. 40:55D70c(2)) can only be granted where, with regard to a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement and the benefit of the deviation would substantially outweigh any detriment. Use and related variances (N.J.S.A. 40:55D-70d) can only be granted where there are special reasons as specified by the Municipal Land Use Law. The burden is upon the applicant to provide proof of satisfaction of the aforesaid requirements pertaining to his application.

1. Variances – Negative Criteria

State what factors would indicate that variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance. With respect to the first item, the focus is on the variance's effect on surrounding properties. The Board must determine whether granting the variance would cause damage to the character of the neighborhood as to constitute a substantial detriment to the public good. Here the Board weighs the zoning benefits from the variance against the zoning harms and detriments whether the benefits outweigh the harms. With regard to the question of substantial impairment of the intent and purpose of the Zoning Plan and Zoning Ordinance, the focus is the extent to which the variance would constitute the giving up of zoning authority by the governing body to the Zoning Board.

In cases of a use variance, supply an enhanced quality of proof that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. This proof must reconcile the proposed use variance and the Zoning Ordinance's omission of the use from those permitted in the Zoning District in question.

2. Bulk Variances – N.J.S.A. 40:55D-70c(1)

State what is unique about the applicant's specific piece of property noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; that specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to the applicant's particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted.

3. Bulk Variances – N.J.S.A. 40:55D-70c(2)

Among the purposes of the Municipal Land Use Law are the following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to the applicant and further, cite the characteristics of the land that will present and opportunity for improved zoning and planning to benefit the community.

4. Use Variances – N.J.S.A. 40:55D-70d

"Special reasons" exist where a proposed project carries out a purpose of zoning, (such as those noted in Section 16 above) or where the refusal to allow the project would impose an undue hardship on applicant. State why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance. State specifically the proof that will be supplied to explain why the use being sought was not listed as a permitted use in the Zoning District in the most recent Township Zoning Ordinance. State why the proposed site is particularly suited for the proposed use.

5. Appeal From Decision of Zoning Officer – N.J.S.A. 40:55D-70a

Specify the determination by the Zoning Officer that has been appealed and specify all reasons forming the basis for the appeal.

6. Zoning Interpretation – N.J.S.A. 40:55D-70b

Set forth specifically the Zoning Ordinance sections and provisions and/or the portion of the Zoning Map for which an interpretation is sought. Set forth the interpretation sought by the Applicant and all supporting information and documentation.

7. Conditional Uses

Attach statements indicating how the proposed use meets the Ordinance standards for a conditional use. In this regard, the Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as but not limited to the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs,

drainage, sewage treatment, potable water supply, utilities and building and structure location(s) and orientation(s). All proposed structures, equipment, or material shall be readily accessible for fire and police protection. The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, will be free of nuisance characteristics, and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

8. Structures In Bed of Street – N.J.S.A. 40:55D-34

Attach to this application a statement setting forth the facts showing that the parcel cannot yield a reasonable return to owner unless a building permit is granted; that issuance of permit will cause minimal change in the official map: and that the approval will promote the health, morals, safety and general welfare of the public.

9. Permit to Erect Structure Not Abutting Approved Street – N.J.S.A. 40:55D-36

Attach to this application a statement setting forth the facts showing that the requirement of access on an improved street would entail practical difficulties or undue hardship and that there will be adequate access for fire fighting equipment, ambulances and emergency vehicles necessary for protection of health and safety.

10. Site Plan Waivers From Individual Standards

Waivers can only be granted where the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of these standards is impracticable or will exact undue hardship. In such cases the Planning Board may permit such exemptions as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by the Subdivision/Site Plan Ordinance.

11. Complete Site Plan Waivers

A complete Site Plan Waiver, that is a waiver of the site plan itself, may be granted where there is a change in use or occupancy, and no extensive construction or improvements are sought. The waiver may be granted only upon a resolution by the Board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, parking and other considerations of site plan approval, and that the existing facilities do not require upgraded or additional site improvements, except that curbing and sidewalks may be required by the Board in areas of the Township where curbs and sidewalks are to be provided and they do not exist at the site at the time of application for site plan waiver. The application for a waiver of site plan shall include a description of the prior use of the site, the proposed use, and its impact.

MIDDLE TOWNSHIP PLANNING BOARD
MEETING SCHEDULE 2010
START TIME 7:30PM

MEETINGS ARE HELD ON THE 2ND TUESDAY AND 4TH THURSDAY OF THE MONTH

MEETING DATE			SUBMISSION DATE		
January	12	2010	December	1	2009
January	28	2010	December	1	2009
February	9	2010	January	4	2010
February	25	2010	January	4	2010
March	9	2010	February	1	2010
March	25	2010	February	1	2010
April	13	2010	March	1	2010
April	22	2010	March	1	2010
May	11	2010	April	1	2010
May	27	2010	April	1	2010
June	8	2010	May	3	2010
June	24	2010	May	3	2010
July	13	2010	June	1	2010
July	22	2010	June	1	2010
August	10	2010	July	1	2010
August	26	2010	July	1	2010
September	14	2010	August	2	2010
September	23	2010	August	2	2010
October	12	2010	September	1	2010
October	28	2010	September	1	2010
November	9	2010	October	1	2010
December	14	2010	November	1	2010

MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT
MEETING SCHEDULE 2010
START TIME 7:00PM

MEETINGS ARE HELD ON THE 2ND THURSDAY OF THE MONTH

MEETING DATE			SUBMISSION DATE		
January	14	2010	December	1	2009
February	11	2010	January	4	2010
March	11	2010	February	1	2010
April	8	2010	March	1	2010
May	13	2010	April	1	2010
June	17	2010*	May	3	2010
July	8	2010	June	1	2010
August	12	2010	July	1	2010
September	9	2010	August	2	2010
October	14	2010	September	1	2010
November	18	2010*	October	1	2010
December	9	2010	November	1	2010

* Meeting will not be held on the 2nd Thursday. It has been moved to the following week.

MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT

APPLICATION INSTRUCTIONS

Application/Time for Submission of Application/Number of Copies.

Application instructions and forms shall be secured from the Zoning Board Secretary. The application with supporting documentation must be filed with the Zoning Board Secretary no later than the first day of the month prior to the month which the hearing is desired to be held. If applicant is a partnership or a corporation, disclosure information is required in the application form. Disclosure information is required for partnerships and corporations that own the property but are not the applicant. In such cases where the applicant is not the owner the consent to application form must be signed by the owner. See application form.

Twenty copies of the application form must be completed and submitted to the Middle Township Zoning Board Secretary. Forms must be fully completed. Write "not applicable" as an answer to any application question that does not apply. The verification at the end of the form must be properly signed and notarized. There are other application forms included within the application package that must be completed and submitted to the Zoning Board Secretary. If a number of required copies is not stated, THREE (3) copies of that respective form must be filed. Applicant must also supply at least three photographs of the subject premises.

<u>The forms supplied by the Zoning Board must be used. No others will be accepted.</u>

In all cases where a subdivision or site plan is involved, the applicant must file a copy of the application, together with the required fee with the Cape May County Planning Department located at 4 Moore Rd, Cape May Court House, NJ. Mailing address: DN309, Cape May Court House, NJ. County application forms and fee schedules are supplied for your convenience. Check with the County Planning Department directly at 465-1080 to confirm that their forms or fee schedules have not been changed.

Plot Plan and Architectural Plans.

Twenty (20) copies of the Plot Plan of the land to be effected including all the adjoining lots within a 200' radius of the said property must be submitted. The Plot Plan must be drawn to a scale of not less than 1"=50'. The plan may be drawn to some other scale only upon approval of the Township Engineer and in any case, the scale must be sufficient to clearly show the required information in an easily readable manner. It shall contain a north arrow and designation of the applicable zoning district. The drawing must show all buildings located on each adjoining lot that appears on the map. Existing conditions and all proposed development on the site must be indicated on the Plot Plan. Additionally, information including, but not limited to, setbacks, buildable areas, buffers, streets, highways, driveways, parking areas, lot dimensions and easements must be clearly shown on the map. The block and lot number of each lot must be clearly shown. All applicable checklist items and plan information must be supplied unless a waiver is sought for such items. **Survey/Plan/Plat Affidavit** must be completed, signed, notarized and submitted with the Plot Plan. Applications for variances and conditional uses shall comply with the above requirements together with all checklist items. See paragraph 3 of these instructions and **Applications involving Subdivisions,**

Applications involving Site Plans. Twenty (20) copies of architectural plans (in the form of elevations and floor plans) shall be provided where buildings are to be constructed.

Submission of Subdivision, Site Plans and Conditional Uses for Approval.

If subdivision, site plan, or other relief is sought together with a Use Variance, the additional forms, plans, fees and escrows noted with regard to those additional applications are required and the notice of hearing sent and published must list all relief sought. Twenty (20) copies of a subdivision plan or site plan as applicable shall be supplied. Also see Subdivision and Site Plan additional information forms enclosed. Also see form for **Conditional Uses** (twenty (20) copies are required).

At the time of application for final approval, the Developer's Engineer shall submit, in addition to the proper forms, plats/plans and fees, a detailed improvement cost estimate for review and approval by the Township Engineer.

Application Fee and Escrow Fee

The required, non-refundable application fee and the required escrow fee must be paid at the time of submission of the application. Separate checks are required. The fee schedule lists the application and escrow fee. The escrow and application breakdown sheet, together with the attached escrow release and I.R.S. W-9 form, must be completed, signed and submitted with the application.

Payment of Taxes.

An application will not be scheduled or heard unless all taxes on the property are current as to payment. The **Proof of Taxes** form must be taken to the Middle Township Tax Collector for proof of payment and after the form is signed by the Tax Collector, it must be submitted with the application.

Processing of Application/Completeness.

Acceptance of an application by the Zoning Board Secretary and/or her supplying to you a hearing date does not guarantee a position on the Agenda of the next meeting or the meeting otherwise specified.

Each application presented to the Zoning Board is subject to a review for "completeness". This process involves review of all application forms and all documentation presented with the application. Failure to use the forms supplied by the Zoning Board or to provide the properly completed forms, surveys and related documents will result in an application being deemed incomplete. Applicant will not be given a hearing date and will be unable to proceed to a hearing on any date supplied by the Zoning Board Secretary unless the application has been deemed complete.

Applicant should not publish or serve notice of a hearing <u>until</u> he has been supplied with a specific hearing date by the Zoning Board Secretary. This shall be supplied once the application has been deemed complete.

A determination of completeness shall require compliance with all applicable compliance with all applicable checklist items including:

1) Twenty (20) copies pf application form; Subdivision/Site Plan form; Conditional Use form; variance form and supporting documents.
2) Payment of all application and escrow fees.
3) Certification by Tax Collector that taxes are paid.
4) Twenty (20) copies of plot plan, survey, subdivision plan or site plan as applicable.
5) Affidavit of ownership if applicable.
6) At least three (3) photographs of the subject premises.
7) Twenty (20) copies of Architectural Plans (elevations and floor plans) if applicable.

Notice of Public Hearing on Application.

Notice must be given of a Zoning Board hearing on an application for any Variance, Conditional Use approval, Authorization to build in a street-bed, Authorization to build without improved street frontage, Preliminary Major Site Plan Approval and Preliminary Major Subdivision Approval. If notice is required as above, the notice must also include all approvals sought whether or not they are listed above. For example, if a use variance is required in connection with a minor subdivision, the minor subdivision must be indicated in the notice notwithstanding the fact that a minor subdivision application is not normally required to be noticed.

A list of the persons and bodies to which the notice must be sent can be applied for at the Middle Township Zoning Office. The list is certified by the Township Tax Assessor. There is a fee of $10.00 for the list if it contains 40 items or less, and $0.25 is charged for each item over 40. If there are any property owners located within 200' of the subject property but outside of Middle Township, the names and addresses of those parties shall be secured from the Administrative Official of the municipality within which they are located. Notice to the listed parties must be made by personal service or by Certified Mail. If notice is made by personal service, the person to whom the notice is delivered must sign a receipt for it and the date of delivery must be noted on the receipt. In addition to the listed property owners within 200', notice must also be given to the following if the property is located as noted:

1) Municipal Clerk of adjoining municipality (if property is within 200 feet of an adjoining municipal boundary).
2) Cape May County Planning Board (if property is within 200 feet of County Land, County road, County property, or adjoining municipal boundary).
3) New Jersey Commissioner of Transportation (if property is adjacent to a State road).
4) State Planning Commissioner (if request involves 150 acres or 500 dwelling units).
5) Any public utility, cable TV company or local utility which possesses a right-of way or easement within the Township and which has registered with the Township in accordance with the Municipal Land Use Law.

Notice may be given to the condominium association in the case of any unit owner whose unit has a unit above or below it and to the horizontal property regime, in the case of any co-owner whose apartment has apartments above or below it. If notice is to a partnership

owner, it 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 person authorized by appointment or by law to accept service on behalf of the corporation. If addressed to a condominium association, horizontal property regime, community trust or homeowners association, because of its ownership of common elements or areas located within 200' of the property which is the subject of the hearing, notice may be made in the same manner as to a corporation without further notice to unit owners, co-owners or home owners on account of such common elements or areas.

Notice must be given at least ten days prior to the hearing date. If notice is by mail it must be sent by certified mail. Upon receipt of proof of such mailing, notice shall be deemed complete upon the mailing date.

Public notice must also be published in the Herald Times (1508 Rte 47 S, Rio Grande, NJ 08242: 886-8600), the official newspaper of the Township, at least ten days prior to the hearing date. Publication in any other newspaper will **not** be accepted.

The required form of notice is included within the application materials. Use the provided form of notice in order to insure that all the required information is included within the notice served and published. Also see the instructions attached to the **Notice** form.

Applicant must provide proof of service and publication of proper notice by submitting **Affidavit of Proof and Service** to the Zoning Board Secretary and by providing all attachments and proofs required by it. All proof and service materials (including proof of publication of notice) must be submitted to the Zoning Board Secretary at least five (5) business days **before** the hearing date. Proofs of service and/or publication will not be accepted at the hearing, and failure to provide them in advance of the hearing, as required above, may result in the postponing of the hearing on an application.

Appearance at Hearing.

The applicant, the applicant's representative authorized in writing by the applicant, or applicant's attorney and appropriate witnesses must appear at the hearing. Realtors and other interested parties may not act as counsel for the applicant, but may appear as witnesses. If an applicant is a corporation, it must be represented by an attorney.

Hearing Procedures.

Hearings will be conducted in accordance with the By-Laws adopted by the Zoning Board.

Meetings shall commence at 7:00 PM. No new case will be commenced after 10:30 PM and no additional testimony will be taken after 11:00 PM.

Applications will be heard in the order in which they are designated complete by the Zoning Board Secretary or as she otherwise determines to be most expeditious under the circumstances of the meeting involved.

Although every effort is made for expeditious handling of all applications on each Agenda, at times the number of applications necessitates continuance of an application

until the following meeting. Placement on a specific Agenda does not guarantee that an applicant's hearing will be held and completed on that date.

Following the hearing on the application, the action taken by the Zoning Board will be advertised in the Township's official newspaper. A copy of the Zoning Board's decision will be sent to applicant or applicant's attorney in Resolution for after adoption by the Board.

Continuance of Hearing.

Any request to the Board for a continuance of a hearing date must be submitted in writing and must specifically waive the applicable time limitations for Board action. Failure to comply with this requirement may lead to the Board's dismissing the application without prejudice in which case revisions to the application forms may be required, and personal service and publication of notice of the new hearing date shall be required.

In the event that the full authorized membership of the Board is not present at a hearing on a use variance, the applicant may request an adjournment of his matter to the next meeting of the Board. Applicant's waiver of time limitation shall be required.

Applications Involving Undersized Lots.

If you are applying for variance relief related to an undersized lot, you are required to send to the owners of the adjacent properties a letter by Certified Mail Return Receipt Requested seeking to purchase from the adjoining owner enough land to make your property conforming to the Ordinance requirements or offering to sell your lot to the adjoining property owner. A notice to applicants regarding undersized lots is included within these instructions.

Submission of Subdivision Plats and Site Plans After Final Approval.

Upon final approval of a Minor or a Major Subdivision, three mylar copies, and twelve revised paper copies of the subdivision plat must be submitted to the Zoning Board Secretary for signatures of the appropriate Township officials. The $50.00 fee to cover County filing costs is collected at the time of submission of the application. Payment of an $800.00 fee for each street light shall also be required for Final Major Subdivision Approval.

The Municipal Land Use Law contains time limitations within which subdivision plats must be filed with the Cape May County Clerk. All maps submitted must comply with the requirements of the New Jersey Filing Law as amended and supplemented, N.J.S.A. 46:23-9.10, et seq. Check with your attorney and/or your engineer to make certain that this requirement is met.

Upon final approval of a Minor or Major Site Plan, three revised, signed and sealed paper copies must be submitted to the Zoning Board Secretary. The plan shall be stamped "Final Construction Plans".

Performance guarantees, inspection fees and maintenance guarantees shall be supplied, where applicable. The performance guarantee shall be in the amount of 120% of the site

improvements. For improvements not installed prior to filing, a performance guarantee shall be made payable to Middle Township and shall be in the form of cash, certified check, performance bond tri-party agreement. 10% of the required amount shall be in cash. The applicant shall also submit the required inspection fees in an amount totaling 5% of the total project cost for Major Subdivisions and Major Site Plans. A maintenance guarantee for 15% of the original estimated cost of improvements shall be kept for a period of two years after improvements are completed.

Effect and Duration of Approvals.

The rights obtained by subdivision and site plan approvals and the duration and possible extension of such rights is governed by the Municipal Land Use Law. (N.J.S.A. 40:55D-1 et seq.)

A variance granted by the Zoning Board shall expire unless construction, alteration, conversion or use shall have been actually and actively commenced within three (3) years from the date of publication of notice of the granting of the variance.

State Residential Site Improvement Standards.

Effective June 3, 1997, New Jersey's residential site improvement standards became effective. These site improvement standards are state-wide, uniform, mandatory rules for the development of residential sites in New Jersey. They apply to any residential development requiring a major subdivision, site plan approval, variance, or any other residential approval required or issued by the municipal agency involved. They do NOT apply to Minor Subdivisions. In applications, to the Zoning Board, which are subject to the state standards they cover streets and parking, water supply, sanitary sewers and stormwater management. The new State standards supersede existing Township Ordinances and must be considered, in the areas covered, the technical standards for residential development. As part of the Zoning Board's review process relating to your application, the State Residential Site Improvement Standards must be applied to your application unless your application qualifies for an exception or waiver or unless you, the applicant, and the Township agreed to exceed a State Standard. For more information concerning exceptions, waivers and agreements to exceed and for forms pertaining to that call the Middle Township Zoning Office at 609-465-8742. Please contact your engineer for further details concerning the standards and forms and to aid you in completing any applicable forms.

MIDDLE TOWNSHIP ZONING BOARD

SURVEY/PLAN/PLAT AFFIDAVIT

State of New Jersey:
ss
County of Cape May:

_____ being duly sworn according to law,
(Name)
upon his oath deposes and says:

1) I am the owner of the property known and identified as Block _____, Lot(s)_____ in the Township of Middle or I am the applicant for development in this matter.

2) The attached sealed survey/plan/plat prepared by _____ and dated _____, accurately reflects the physical condition of the property as of the date of this affidavit and there have been no changes or alterations to the property since the date of the sealed survey/plan/plat.

3) I make this affidavit in support of an application for development before the Middle Township Zoning Board and understand that said Board shall rely on the current accuracy of the said survey/plan/plat in considering the application for development of the property.

_____
Signature of Owner/Applicant

NOTE: The survey submitted with an Application must be prepared and dated within 12 months of the date of the application to the Board. The above Affidavit covers the time period from the date of the survey submitted to the date of the Application. If there have been significant changes to the premises a current survey may be required by the Zoning Board Secretary and/or Zoning Board Engineer.

Sworn and subscribed to
Before me this _____
Day of _____, 20_____.

_____
Notary Public
My Commission Expires _____.

BUREAU OF FIRE PREVENTION
MIDDLE TOWNSHIP FIRE DISTRICTS #1 & #4
10 South Boyd Street PO Box 21
Cape May Court House, NJ 08210
Phone: (609) 465-8710
Fax: (609) 465-3851
firebureau1@verizon.net

October 4, 2005

To: Zoning Office / All Applicants

From: Bureau of Fire Prevention

RE: Site and or Plan Review

As of September 28, 2005 the Township of Middle adopted a new Ordinance No 1206-05, amending Chapter 142 of the Code of the Township of Middle.

The Fire Official shall review any site or subdivision plan for the purpose of fire prevention, as to the location and size of fire department access roads, fire lanes, zones and areas, water mains, drafting locations and the location/placement of all fire hydrant(s). Said submission of plans to the Bureau of Fire Prevention shall include any plans submitted to the Zoning Office, Planning Board or Zoning Board of Adjustment for the development, construction or improvement of properties in the Township of Middle. Said reviews shall include, but not be limited to, any construction or improvement of any use group, as defined in Chapter 3 (use and occupancy classification) of the International Building Code "New Jersey Edition" adopted by the State of New Jersey, as amended. Prior to the issuance of any building permit, the above projects must receive Fire Official approval.

Each applicant shall pay the following fees to the Bureau of Fire Prevention for review of any site or subdivision plans and will be required at time of submission:

1)	Minor site plan	$50.00
2)	Major site plan	$80.00
3)	Minor subdivision	$100.00
4)	Major subdivision	$130.00
5)	Resubmission and review	$30.00 (only after the initial application and the review process has been completed.)

All plans will be reviewed and returned to the Zoning office with letter of explanations or requirements prior to any required action date.

PLEASE MAKE CHECKS
PAYABLE TO
BUREAU OF FIRE PREVENTION

Calvin L. Back
Fire Official

MIDDLE TOWNSHIP ZONING BOARD

APPLICATION FOR DEVELOPMENT FEES

The attached fee schedule from the Township's Subdivision and Site Plan Ordinance (Ordinance 218-47) shall be applied to all applications before the Zoning Board of the Township of Middle.

Application fees and Escrow fees recited are "the minimums" which must accompany the application. An application shall not be deemed complete until the Application Fee and Escrow Fee required have been paid. Additional funds may be required when the original amount is depleted by 60% and the Development Application is still in progress.

MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT
33 MECHANIC ST
CAPE MAY COURT HOUSE, NJ 08210

Date: _____

Re: Block _____ **Lot(s)**_____

File_____

I hereby acknowledge that the escrow funds that I have deposited in conjunction with my Zoning Board/Planning Board application are to be used for services and reviews by Township professionals. I understand that additional funds may be required to be deposited when the original amount is depleted by sixty (60%) and the development application is still in progress.

I further understand that pursuant to Middle Township Ordinance section 218-48D, escrow amounts not actually used shall be refunded to me upon my request and upon recommendation of the Planning Board and/or the Zoning Board of Adjustment and the Township Engineer, and that if I fail to request said unused escrow funds for a period of two (2) years, from the date of written certification by the Township Engineer, that all site work for my development project has been completed, said funds shall be rendered non-refundable.

Also, pursuant to the Municipal Land Use Law, the Township will not give to me any interest on the escrow account funds which does not exceed one hundred ($100.00) dollars per year. If the interest exceeds one hundred ($100.00) per year, the Township will retain, for administrative purposes, thirty-three and one-third (33 1/3) percent of the interest amount.

_____
Applicant

MIDDLE TOWNSHIP ZONING BOARD

ESCROW FEES AND APPLICATION FEES

Applicant's Name: _____

Address: _____

Address of Property
Subject to the
Application _____
(Street Address)

Block: _____ Lot(s) _____

_____

Amount of required escrow $_____

Amount of required application fees $_____

Application fees and escrow fees must be submitted in separate checks payable to **Middle Township**. The escrow fee shall be forwarded by the Zoning Officer to the Treasurer of Middle Township for deposit into a Developer's Escrow Account. The application fee shall be deposited in the Zoning Board Account. Additional funds may be required when the original amount is depleted by 60% and the Development Application is still in progress. The amount of additional funds needed shall be determined by the Zoning Officer and the Township Engineer. Said escrow funds shall be used to pay the fees of professional personnel employed to assist the Middle Township Zoning Board in the review of the application, to prepare board resolutions and other legal documents relating to the application, and to inspect and approve construction. Professional fees shall be billed through the Municipality's voucher system and approved for payment by the Township Committee. Any excess funds remaining in the escrow account at the time when all required improvements have been finally accepted and all professional work completed, shall be returned to the applicant provided the applicant applies within two years after the completion of the project and completes, at the time of the application to the Zoning Board, the request form and the W-9 form attached to this form.

The application fee is non-refundable and is a separate charge from the escrow fee.

I understand and consent to the foregoing.

Date:_____ _____
Applicant

ATTACHED FEE BREAKDOWN SHEET, W-9 FORM AND ESCROW FUND RELEASE FORM MUST BE COMPLETED AND SUBMITTED.

MIDDLE TOWNSHIP ZONING BOARD

FEE BREAKDOWN SHEET

When submitting the required Escrow Fees and Application Fees, the Applicant shall breakdown the manner in which he calculated the required fees by completing this form.

Application Type(s):	Application Fee:	Escrow Fee:
	Application Fee(s) Total: $_____	Escrow Fee(s) Total $_____

_____
Applicant's Signature

_____
Date

MIDDLE TOWNSHIP ZONING BOARD

PROOF OF PAYMENT OF TAXES

Every application for development submitted to the Zoning Board shall be accompanied by this form.

Applicant's Name & Address:

_____

_____

Property Owner's Name & Address:

_____

_____

_____

Address of Property Subject to the Application:

_____

Block: _____ Lot(s): _____

TO BE COMPLETED BY TAX COLLECTOR

A. All taxes are current through the _____ quarter of _____.

Date: _____ Middle Township Tax Collector: _____
(Signature)

B. Taxes are due on the above referenced property as follows:
Amount of taxes due through the
_____ quarter of _____, _____ $_____

Date: _____ Middle Township Tax Collector: _____
(Signature)

MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT

NOTICE OF HEARING ON APPLICATION FOR DEVELOPMENT

Applicant's Name: _____

Address: _____

Owner's Name: _____

Address: _____

Subject Property – Street Address: _____

Subject Property – Tax Map Block: _____ Lot(s): _____

PLEASE TAKE NOTICE that on the _____ day of _____, 20____, at 7:00 PM, prevailing time, at the Middle Township Municipal Building, located at Boyd and Mechanic Streets, Cape May Court House, NJ 08210, the Middle Township Zoning Board of Adjustment will hold a hearing on the application for development of the undersigned. Applicant seeks all required approvals and relief so as to permit

_____

_____

_____

_____

at the subject premises noted above. Specifically, the following variances and approvals are sought: _____

_____

_____

A copy of the said application and accompanying documents will be on file with the Secretary of the Middle Township Zoning Board/Zoning Officer and may be inspected, during normal business hours, in the Middle Township Zoning Office, Middle Township Municipal Building, Boyd and Mechanic Streets, Cape May Court House, New Jersey, by all interested parties at least ten (10) days prior to the said hearing. Further, any interested party may appear in person or by attorney at said hearing and participate therein in accordance with the rules of the Middle Township Zoning Board. This notice is sent pursuant to the requirements of the Municipal Land Use Law.

_____

Applicant

NOTE: THIS INFORMATION IS SUPPLIED AS AN AID TO COMPLETING THE NOTICE OF HEARING FORM AND IS <u>NOT</u> TO BE SERVED OR PUBLISHED.

After the "so as to permit" language in the Notice Form, insert a brief description of the proposed project.

After "the following variances and approvals are sought:" language, insert the specific type of application involved:

* Use Variance (N.J.S.A. 40:55D-70d(1), (2), (3), (4), (5), (6)
* Appeal from decision of Zoning Officer (N.J.S.A. 40:55D-70a)
* Interpretation of Zoning Ordinance or Zoning Map (N.J.S.A. 40:55D-70b)

Hardship Variance (N.J.S.A. 40:55D-70c(1))
Flexible/Balancing Benefits and Detriments Variance (N.J.S.A. 40:55D-70c(2))
Permit to Build in Street-bed (N.J.S.A. 40:55D-34)
Permit to Build Where Lot Does Not Abut Street (N.J.S.A. 40:55D-36)
Site Plan Approval
- Major
  - Preliminary
  - Final
- Minor

Waiver of Site Plan itself
Subdivision
- Major
  - Preliminary
  - Final
- Minor

Conditional Use Approval
Other

If, in addition to variance relief you are seeking subdivision, site plan, conditional use or other approvals, then they are required to be listed. *Example:* Minor Subdivision Approval and a Use Variance.

In conjunction with variances, ***<u>all</u>*** requested relief must be listed. If the application involves variances from more than one standard, *example:* lot area, lot frontage and lot width, all of the aforesaid must be listed in the notice. Likewise when more than one type of relief is sought under (N.J.S.A. 40:55D-70d (1), (2), (3), (4), (5), (6) ***<u>all</u>*** applicable types must be listed.

In all cases, the specific type of relied sought must be stated and a general statement (such as "any and all other variances, waivers or approvals deemed necessary by the Board") is ***<u>NOT</u>*** satisfactory notice.

If the application consists of a non-noticeable item and any item that **<u>must</u>** be listed, all relief sought, including that which would not normally require notice, must be listed in the legal notice.

MIDDLE TOWNSHIP ZONING BOARD

AFFIDAVIT OF SERVICE AND PUBLICATION

Applicant's Name:_____
Applicant's Address:_____
_____

Subject Property:
Street address of subject property:_____

Tax Block: _____ Lot(s): _____

STATE OF NEW JERSEY:
ss
COUNTY OF CAPE MAY:

_____ of full age, being duly sworn according to law, on his oath, deposes and says:

1) that he resides at _____
_____;

2) that he is the applicant or applicant's attorney in this matter in which the Middle Township Zoning Board shall conduct a hearing;

3) that he, on _____, 20_____, at least ten days prior to the hearing date on the application, gave notice to all property owners within 200 feet of the subject property and all other persons whose names appeared on the certified list obtained from the Township of Middle and as listed on the Middle Township Zoning Board Application instructions (where applicable); (one thousand feet for house moving);

4) that notice was given either by personal service of a notice on the property owner or by sending the notice by Certified Mail as noted on the attached list of persons served. Certified mail receipts showing the mailing of notice to the interested parties are attached. Certified mail notices shall be attached in the **same** order as the names appear on the parties to be served list. Acknowledgements of service by persons personally served are attached.

5) that a copy of the notice so served is attached hereto and made a part hereof;

6) that the notice was also published in the official newspaper of the municipality on _____, 20_____. Attached hereto and made a part hereof is a Proof of Publication received from the official newspaper of the Township of Middle;

7) that also attached hereto and made a part hereof is a certified list (received from the designated Township official) of all property owners and other parties to whom notice was required to be sent, showing the names and addresses of the persons served and the lot and block numbers of each person's property as same appear on the current Middle Township Tax Assessment List.

Summary of Required Proofs: Certified Mail receipts; acknowledgement of service by persons personally served; copy of notice served; Proof of Publication of notice published; certified list of property owners.

_____
(Signature of person giving Affidavit)

NOTE: All of the required proofs must be supplied to the Zoning Board Secretary no less than five (5) business days prior to the date of the meeting in which the hearing is to be held.

Sworn and subscribed to
before me this _____
day of _____, 20_____.

_____
Notary Public
My Commission Expires _____

MIDDLE TOWNSHIP ZONING BOARD

ADDITIONAL INSTRUCTIONS FOR APPLICATIONS INVOLVING SUBDIVISIONS

BIFURCATION OF APPLICATIONS.

Whenever a proposed development requires approval of a subdivision, site plan or conditional use in addition to a use variance, the applicant may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the use variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment.

When an applicant submits an application for subdivision, site plan or conditional use approval at the same time as an application for a use variance, and there are contradictions between the requirements of the respective application as to number of copies of application form or respective applications as to number of copies of application form or plans, information required or other items, the most stringent (the most demanding) requirements shall apply. When submitting applications for a use variance and other approvals such as subdivisions, site plans or conditional uses, all application fees for the respective items must be submitted with the application itself.

SUBDIVISION DEFINITIONS

MINOR SUBDIVISIONS:
A subdivision of land of not more than five (5) lots (four (4) new lots and the remaining parcel), provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42, and further provided that said subdivision is not further division of an original tract of land for which previous subdivisions have been approved by the Township within the current twelve-month period and where the combination of the proposed and previously approved "minor subdivisions" constitutes a major subdivision.

The original tract of land shall be considered any tract in existence at the time of adoption of the Township's Land Development Ordinance Amendment as shown on the Township Tax Maps. Any readjustment of lot lines resulting in new lots shall be classified as a "minor subdivision" for purposes of the application submission and review requirements, but not for the purpose of counting whether there has been a subdivision within the current twelve-month period.

MAJOR SUBDIVSION:
Any subdivision not classified as a minor subdivision.

MIDDLE TOWNSHIP ZONING BOARD

SUBDIVISION INFORMATION FORM TO BE COMPLETED AND FILED WITH APPLICATION

GENERAL INFORMATION
Number of existing lots: _____
Number of lots after subdivision: _____
Area of entire tract: _____
Is a public water line available? _____ YES _____ NO
Is a public sanitary sewer line available? _____ YES _____NO

List any "off tract" improvements required of proposal:

_____
_____
_____

Soil borings **must** be supplied for all subdivisions.

Drainage calculations must be supplied for major subdivisions.

At the time of an application for final approval a list specifying the estimated cost of site improvements prepared by Developer's Engineers shall be filed.

APPLICATION PROCEDURES AND SUBDIVISION DETAILS, IN ADDITION TO THOSE REQUIRED BY ZONING BOARD FORMS.

Where there is any conflict between the Zoning Board Form requirements and the requirements hereinafter noted, the more stringent of the requirements shall be applicable.

Minor Subdivision
    Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 3
Major/Preliminary Subdivision
    Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 4
Major/Final Subdivision
    Subdivision/Site Plan Ordinance Checklist Numbers 1 & 5
Waiver of Designated Procedures and/or Standards
    Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 12

MIDDLE TOWNSHIP ZONING BOARD
ADDITIONAL INSTRUCTIONS FOR APPLICATIONS INVOLVING SITE PLANS

BIFURCATION OF APPLICATIONS.

Whenever a proposed development requires approval of a subdivision, site plan or conditional use in addition to a use variance, the applicant may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the use variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment.

When an applicant submits an application for subdivision, site plan or conditional use approval at the same time as an application for a use variance, and there are contradictions between the requirements of the respective application as to number of copies of application form or respective applications as to number of copies of application form or plans, information required or other items, the most stringent (the most demanding) requirements shall apply. When submitting applications for a use variance and other approvals such as subdivisions, site plans or conditional uses, all application fees for the respective items must be submitted with the application itself.

SITE PLAN DEFINITIONS

MINOR SITE PLAN:

Any site plan which proposes building alterations or expansions which do not increase the gross floor area of the structure by more than thirty percent (30%); proposes the addition of five (5) or fewer parking spaces; does not include any planned development or any new street or extension of any off-tract improvement; and contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval as a minor site plan have been met.

MAJOR SITE PLAN:

Any site plan which is not exempt or classified as a minor site plan for which no site plan waiver has been granted.

SITE PLAN WAIVERS:

Waivers of the requirements for site plan approval where there is a change in use or occupancy and not extensive construction or improvements (or de minimis construction or improvements) are sought. There must be a finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, parking and other considerations of site plan approval and that the existing facilities do no require upgraded or additional site improvements, except that curbing and sidewalks may be required.

MIDDLE TOWNSHIP ZONING BOARD
SITE PLAN INFORMATION FORM TO BE COMPLETED AND FILED WITH APPLICATION

GENERAL INFORMATION
Present use: _____
Proposed use: _____
Size of proposed building: _____(depth) _____(width) _____(height)
_____(#of stories) _____(total sq. footage) _____(# of units involved)

Architectural floor plans and elevations of all buildings and structures must be supplied.

Is a public water line available? _____YES _____NO
Is a public sanitary sewer line available? _____YES _____NO
List any "off-tract" improvements required of proposal:
_____
_____

Soil borings **must** be supplied for all site plans.

Drainage calculations must be supplied for site plans.

At the time of an application for final approval a list specifying estimated cost of site improvements list prepared by Developer's Engineer shall be filed.

APPLICATION PROCEDURES AND SITE PLAN DETAILS, IN ADDITION TO THOSE REQUIRED BY ZONING BOARD FORMS.

Where there is any conflict between the Zoning Board Form requirements and the requirements hereinafter noted, the more stringent of the requirements shall be applicable.

Minor Site Plan
Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 6
Major Site Plan/Preliminary
Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 8
Major Site Plan/Final
Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 8, 8A
Waiver Designated Procedures and/or Standards
Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 12
Waiver of Site Plan in its Entirety
Subdivision/Site Plan Ordinance Checklist Numbers 1 & 11

MIDDLE TOWNSHIP ZONING BOARD

ADDITIONAL INSTRUCTIONS FOR APPLICATIONS INVOLVING CONDITIONAL USES

CONDITIONAL USES

Definition: A use permitted in a particular zoning district only upon a showing that such use in a specific location will comply with the conditions and standards for the locations or operation of such use as contained in Chapter 250, Zoning, and upon the issuance of an authorization therefore by the Zoning Board.

APPLICATION PROCEDURES AND SITE PLAN DETAILS, IN ADDITION TO THOSE REQUIRED BY ZONING BOARD FORMS.

Where there is any conflict between the Zoning Board Form requirements and the Ordinance requirements hereinafter noted, the more stringent of the requirements shall be applicable.

Conditional Use

Zoning Ordinance Section 250-26.1 & 250-27 through 250-46 as applicable (see application form)

Subdivision/Site Plan Ordinance Checklist Numbers 1, 2, 9

MIDDLE TOWNSHIP ZONING BOARD

NOTICE TO APPLICANTS
REGARDING UNDERSIZED LOT CASES *ONLY*

The Middle Township Zoning Board of Adjustment recommends the attached buy-sell form letter be used in corresponding with abutting property owners. While you are not required to use the exact wording in the enclosed form (and the form should be modified for individual applications where appropriate), it is the policy of the Zoning Board to require the buy-sell letter to contain the substance of the attached letter which should be sent by certified mail, return receipt requested, and ordinary mail at least 20 days before the first scheduled hearing date. Failure to follow this procedure, may result in an adjournment of the case until the procedure is followed or a determination by the Zoning Board of Adjustment that you have not established the necessary hardship for the granting of variances. The purpose of this form letter is to assist applicants in giving the appropriate notice to undersized lot cases.

You must be prepared at the hearing to offer into evidence a copy of this letter with the certified mail proof of mailing and return receipt requested together with any response from the abutting property owners. In the event the response is oral only, then you are advised to write another letter to the abutting property owners setting forth the substance of the conversation (i.e. such as any indication of an offer to purchase or sell) together with a statement in the letter that the abutting property owner may appear on the hearing date to give testimony. A copy of your responding letter sent by certified mail, return receipt requested may be offered at the hearing. The Zoning Board will be concerned with how valid your attempts were to give adequate notice to the adjoining property owner.

THIS LETTER IS IN ADDITION TO THE REQUIRED STATUTORY NOTICE YOU MUST GIVE ALL PROPERTY OWNERS WITHIN 200 FEET.

If you have any questions concerning the procedure to be followed, please consult your attorney and/or the Zoning Board Secretary.

MIDDLE TOWNSHIP ZONING BOARD OF ADJUSTMENT

APPLICANT'S OFFER TO ABUTTING PROPERTY OWNERS

UNDERSIZED LOT CASES

To: Mr./Mrs. _____ Owners of Block _____ Lot _____
Street Address: _____

_____

Re: Application # _____

Dear Mr. / Mrs. _____

I have made application to the Middle Township Zoning Board of Adjustment for a variance(s) to construct a single-family residence (or other structure as herein designated _____) on Block _____, Lot _____, which abuts your property. This letter is to inquire whether you would be interested in selling me your lot or a portion of your lot in order to make my lot conform or more nearly conform with the current Middle Township Zoning Ordinance. In the alternative, you may have an interest in purchasing my lot at the "fair market value" which in this instance means a building lot price as if the variance had been granted.

It is my intention to demonstrate to the Middle Township Zoning Board that a "hardship" exists as I am unable to either acquire land or sell my land at its fair market value.

If you have any interest in selling your lot, or a portion of your lot to me or in purchasing my lot, please indicate on the enclosed response letter your position with respect to this application. The Middle Township Zoning Board hearing on the undersigned's variance application is scheduled for _____ at which time a copy of this letter and any response from you will be offered into evidence.

Enclosed is a stamped-return addressed envelope for your convenience. You may, of course, attend the Zoning Board hearing and give testimony concerning your position.

Sincerely yours,

_____
Applicant

Applicant's Address

_____

_____

Applicant's Telephone Number (Home) _____
(Work) _____

CERTIFIED MAIL-RRR # _____
AND ORDINARY MAIL
CC: Zoning Board of Adjustment Secretary

RESPONSE OF ABUTTING PROPERTY OWNERS
UNDERSIZED LOT CASES

Re: Applicant _____
Block _____ Lot(s) _____
Township of Middle

1) We have an interest in purchasing the Applicant's property (yes or no) _____

2) We are willing to pay $_____

3) We have an interest in selling our property (yes or no) _____

4) We are willing to sell our property for $_____

5) We have an interest in selling a portion of our property consisting of _____ square feet (yes or no) _____

6) We are willing to sell the property described in #5 for $_____

7) We will be in attendance at the Zoning Board hearing on the application to give our testimony (yes or no) _____

_____
Signature

_____
Signature

Dated: _____

Note: You may send a copy of this response directly to the Zoning Board Secretary as follows:
Township of Middle
Attn: Zoning Office
33 Mechanic St
Cape May Court House, NJ 08210