



## BOROUGH OF SHREWSBURY NEW JERSEY

Regular meetings of the Board of Adjustment are held on the ~ 1<sup>st</sup> Wednesday of every month at 7:30p.m.in the Borough Hall, 419 Sycamore Ave., Shrewsbury

***Board Secretary: Lorraine Kelleher — 732-741-4200 x115***  
***any questions please call***

Please follow the instructions below:

1. It is suggested that all applicants read the applicable portions of the Zoning Ordinance before making an application and where the application is for a variance referred to in 21(d) below, it is recommended that you consult with an attorney before filing this application. Note: an Attorney must represent all Corporations.
2. The Board of Adjustment will not consider any application until an application for a Development Permit has been applied for and a decision has been rendered by the Zoning Officer.
3. All applications must be either typewritten or printed in ink. Answer all questions which are applicable to your application.
4. **An original and 10 additional copies of the application must be filed with the Secretary of the Zoning Board of Adjustment 10 days prior the scheduled hearing date.**
  - Two checks made out to the Borough of Shrewsbury for the application fee/escrow
  - Tax Certification - verification that the taxes on the subject property are paid to date. Obtained from the Tax Collector's Office 732-741-4200 x112 (no charge) by giving the Block & Lot number.
  - An Affidavit of Publication from the Asbury Park Press -this verifies that the adjacent neighbors within 200' have been noticed within the 10 day requirement.
  - Copy of notice which was sent to the Asbury Park Press
  - Copy of the Zoning Officers Denial Letter/or Zoning Denial comments
  - Copy of the Tax Assessors letter certifying the property owners within 200' of your property obtained from the Tax Collector 732-741-4200 x110 (\$10.00 fee).
  - Proof of Service - listing of property owners within 200' - verifies that the neighbors were noticed within the 10 day requirement., can be found in the application packet.
  - Survey - Showing Block and Lot, location and dements of present and proposed construction.  
If the plot plan is prepared by a licensed surveyor or an architect, such plan must bear the seal of the licensed surveyor or architect; with regard to residential properties, if the applicant is the owner of the property for which the variance is being requested, he may prepare his own plot plan but must

attach to it an affidavit attesting to the fact that the plan is a true representation of the property.

- Photos of the property showing the area of construction
- If the applicant is not the owner of the property a consent letterer from the owner is necessary.

5. Where proposed use involves a change in access to a State Highway or County Road, a Certificate of Approval from the Sate Highway Department or the County Road Department setting forth approval of the proposed plan for ingress and egress is needed.

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| a. <u>Monmouth County Planning Board</u><br>Hall of Records Annex<br>E. Main St., P0 Box 1255<br>Freehold, N.J. 07728 | b.: <u>State of New Jersey</u><br><u>Dept. of Transportation</u><br>1035 Parkway Ave.<br>P0 Box 101<br>Trenton, N.J. 08625 |
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6. If a Site Plan or Subdivision Application is submitted in connection with a Use Variance 21(d), 27 copies of the required documents must be submitted

7. Where application is for a hearing described in 21(b), (c) or (d), when notice and a pubic hearing is required by the Zoning Ordinance, the applicant shall, at least 10 days prior to the time appointed for the hearing, give notice to all owners of property in this or any other Municipality which is situated within 200' of the property to be affected.

These names much be listed on the Proof of Service Sheet (found in application packet) Names of property owners can be obtained from:

**Tax Assessor: 732-741-4200- 110**

8. **Notice** shall be given by sending written notification by Certified Mail to the last known address of the property owner or owners as shown by the most recent tax lists of the Municipality. **Or** by handing a copy to the affected property owner or his agent in charge of the property. Said owner must sign & date the Proof of Service sheet upon receipt of the notice. Where owner is a partnership, service upon any partner shall be sufficient, and where the owner is a corporation service upon the registered agent or any officer shall be sufficient.

Notice shall contain (1) a brief description of the property involved, (2) location of the property to be affected, (3) a concise statement of the relief (variances) being sought, and (4) the time, date and place set for the hearing.

Notice shall also be given to Public Utilities and Cable Companies. (Variances application, major subdivision & major site plan approvals.)

Service can be made by either certified mail or in person to the Corporate Secretary of the public utility and the General Manager of the cable company for verification of any right of way or easement within 200' in all directions of the property that is the subject matter of the hearing.

In the event that the application is one which does not require public notice (minor subdivision, minor site plan, waiver of design requirements, etc.) similar notice must still be given to the public utilities and Cable Company that possess a right of way or easement within the property limits of the property that is the subject of the application for development.

<b>JCPL</b> 300 Madison Ave Morristown, NJ 07962	<b>NJ Natural Gas</b> 1415 Wykoff RD Wall, N.J. 07719	<b>NJ American Water</b> 1025 Laurel Oak Rd Voorhees NJ 08043 07702	<b>TRWR Auth</b> 1 Highland Ave Monmouth Beach, 07750
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<b>ComCast Cable</b> 403 South St. Eatontown, N.J. .07724	<b>Verizon NJ Inc</b> 999W Main St 2n fl – Corporate Secretary Freehold N.J. 07728
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**ConRail & NJ Transit**  
State of NJ Dept. of Transportation  
Merchants & McCarter Sts.  
Newark, N.J. 07101

9. When ever the hearing involves property adjoining an existing or proposed County or other County lands, or is within 200' of an adjoining Municipality and notice of said hearing is required to be given, the person giving such notice shall also, at least 10 days prior to the hearing, give notice thereof in writing by personal service or certified mail to the Monmouth County

Planning Board: **Monmouth County Planning Board**  
Hall of Records Annex 2<sup>nd</sup> Floor  
PO Box 1255  
Freehold, N.J. 07728

10. Where the property involved within 200' of an adjoining Municipality, such notice shall also be given at the same time and in the same manner, to the Clerk of said Municipality at the following address:

Boro Clerk <b><u>Little Silver</u></b> 480 Prospect Ave. Little Silver, N.J. 07739	Boro Clerk <b><u>Red Bank</u></b> 90 Monmouth St. Red Bank, N.J. 07701	Boro Clerk <b><u>Tinton Falls</u></b> 556 Tinton Ave. Tinton Falls, NJ 07724	Boro Clerk <b><u>Eatontown</u></b> 47 Broad St. Eatontown, N.J. 07724
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11. Whenever the property in question is adjacent to a State Hwy, notice of the hearing shall be given by personal notice or certified mail to:

**Commission of Transportation**  
**Department of Transportation**  
Transportation Building  
1035 Parkway Ave CN600  
Trenton, N.J. 08625

12. Whenever the property in question involves development of more than 150 acres or 500 dwelling units, notice shall be given to the Director of State & Regional Planning in the Department of Community Affairs. Such notice shall include copies of all documents & maps required to be on file with the Board's Secretary & should be sent to:

**Director of the Division of State & Regional Planning**  
**Department of Community Affairs**  
329 West State Street  
Trenton, N.J. 08625

13. Applicant must apply for Soil Erosion & Sediment Control Certification, if the project consist of land disturbance is in excess of 5,000 sq. ft.. to:

**Freehold Soil Conservation District**  
20 Court Street  
Freehold, N.J. 07728 (732) 462-1079

Approval must be received prior to receiving Municipal approval for your site Plan, in accordance with C.251, P.L. 1975.

14. Applicant must public notice in the Asbury Park Press at least 10 days prior to the hearing date, giving the time, place location & description of variances being applied for. The applicant shall pay for all publications. The notice served on owners of adjacent properties shall also be used for this purpose.

15. Applicant must file an Affidavit of Service, the Assessor's list and the Affidavit of Publication with the Board Secretary the Friday before the hearing together with the copies of the certified receipt, before the case will be heard.

**16. Powers of the Board of Adjustment:** as defined in Article 9 of the Municipal and Use Law (N.J.S.A. 40:55D-70)

- Hear and decide Appeals where it is alleged by the Appellant that there is error in any order, requirement, decision or refusal made by an Administrative Officer based on or made in enforcement of the Zoning Ordinance;
- Hear and decide requests for Interpretation of the zoning map or Ordinance or for decisions upon other special questions upon which such board is authorized to pass by and zoning or official map ordinance in accordance with this act;
- (1) Where (a) by reason of exception narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affection a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting s specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to Article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.  
(2) Where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to Article 8 of this act; provided; however, that no variance from those departures enumerated in Subsection d of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, Site Plan or Conditional Use in conjunction with which the Planning Board has power to review a request for a variance pursuant to Subsection 47a (C40:55D-60a) of this act and, In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to Article 8 of this act to permit  
(1) a use or principal structure in a district restricted against such use or principal structure (2) an expansion of a nonconforming use,  
(2) deviation from a specification or standard pursuant to Section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use, (4) an increase in the permitted floor area ration as defined in

Section 3.1 of P.L. 1975, c. 291 (C.40:55D-4), (5) an increase in the permitted density as defined Section 3.1 of P.L. 1975, c. 291 (**C.4055D-4**) except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings which lot or lots are either an isolated undersize lot or lots resulting from a Minor Subdivision. A variance under this subsection shall be granted only by affirmative vote of a least 2/3 of the five members, in the case of a Municipal Board, or 2/3 of the full-authorized membership, in case of a Regional Board pursuant to Article 10 of this act.

- (3) No variance or other relief may be granted under the terms of this section unless such variances or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the Zone Plan & Zoning Ordinance. In respect of any airport hazard areas delineated under the "Air Safety and Hazardous Zoning Act of 1983, "L.L. 1983, c 260 (C.6: 1-80 et seq.) no variance or other relief may be granted under the terms of this section permitting the creation or establishment of a nonconforming use which would be prohibited under the standards promulgated pursuant to that act except upon issuance of a permit by the Commissioner of Transportation. An application under this section may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.