

## BOROUGH OF FRANKLIN LAND USE APPLICATION INSTRUCTIONS

1. Planning Board and Zoning Board of Adjustment meetings are held once a month according to the attached meeting schedules. Completed applications must be received in the Land Use Office at least 21 days prior to the meeting date for which you wish your application to be scheduled. Whether or not your application will be scheduled to be heard at the meeting immediately preceding the filing of your application will depend on completeness, the number of other applications and issues also scheduled to be heard at that meeting.
2. A completed checklist must be submitted with your application. Each enumerated item on the checklist must be either a) submitted with your application and/or part of your map; or 2) an explanation why you feel a waiver should be granted must be included with your submission for each item that you are requesting a waiver.
3. Incomplete checklists or checklists not supported by the appropriate documentation, will result in your application being deemed incomplete. Likewise, if items are missing from your submissions and there is no explanation of the waiver request, your application will be deemed administratively incomplete by the Planning Director.
4. If you have requested specific waivers and have given a written explanation as to why you feel the waiver(s) should be granted, a completeness hearing will be scheduled before the Board so that they can consider your waiver requests. This hearing will be scheduled for the next regularly scheduled meeting.
5. It is the Board's discretion whether or not the hearing of the application as to its merits will be held on that evening, should the waiver requests be granted, or whether the Applicant needs to provide additional information in order to proceed with the hearing of their application to be held at a subsequent meeting.
6. Applicants must provide 17 copies of their application documents and maps (as per checklist) **fully collated** in order to be deemed complete. Applicants seeking placement on the agenda within 21 days of the meeting must submit a copy directly to Mr. Thomas Knutelsky, P.E., Harold E. Pellow & Associates, Inc., 17 Plains Road, Augusta, NJ 07822-2009. The application copy submitted to the engineer must be complete.
7. While the municipal staff can provide you with information relative to the parameters of each Board's authority and land use ordinance requirements, they are not responsible or qualified to direct applications on legal, jurisdictional, or statutory issues. If questions arise related to legal or engineering issues, the Applicant should seek advice of an attorney and/or engineer when preparing their application.

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8. Additionally, if you are a corporation, LLC, LLP, etc., legal representation is needed in order to proceed with your application. If as the applicant, you are a corporation, etc., and legal representation is found to be required by our Board attorney, a hearing will not take place unless you are represented appropriately.
9. **Separate** application and escrow fees are required at the time of application submissions. **A written explanation as to how these fees were calculated must be included with the fees.** Fees submitted without a written explanation may cause the application to be deemed incomplete.
10. The application fee represents a general fee that is deposited into the general operating account of the municipality. This fee is charged to help offset the general operating costs of the department, including but not limited to staff time expended to review and process your application and the cost of our Board attorney and engineer to attend the meeting where your application will be heard.
11. The escrow fee is placed in a trust account and is used to pay legal and engineering bills incurred by the municipality in order to cover the cost of engineering and legal review of the application. All legal, engineering and planning expenses will be charged against your escrow account. Charges to be paid through your escrow account will include, but not be limited to time spent by the Board's engineer to visit the site and prepare an engineer's report for the Board's reference, legal research that may be needed to provide the Board with information relative to your application, and the Board attorney's preparation of the legal resolution, which reduces the final decision of the Board relative to your application to a written document. If the fees from the professional exceed the original amount you deposited, you will be notified and required to submit additional funds to cover the deficit. If after the application is closed and all professional fees are paid, a balance remains in your account, the balance will be refunded to you. You must insure there are sufficient funds in the escrow account to permit review by the Board professionals before and after the public hearing.
12. **If your application requires public notice, all public notice requirements as per the State of New Jersey's Municipal Land Use Law apply. Waivers cannot be granted with respect to public notice requirements. No notices should be mailed or published until the Applicant is directed to do so by the Land Use Department.** If public notice is required for your application, the following steps must be taken in order to comply with the statute:
  - a. A list of adjacent property owners and/or municipalities who are located within 200 feet of the entire boundary line of the property in question must be obtained from the municipal tax assessor. The Assessor has 7 business days within which to satisfy your request. Therefore, it is imperative to make your request early so that you have the necessary information to out your public notice.

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- b. A sample notice is enclosed and identified in the application package. The applicant must fill in the blanks including what ordinance they are asking for a variance from.
  - c. The notice must appear in the New Jersey Herald or the Sunday New Jersey Herald at least 10 days prior to the proposed meeting date (if you consider the day it is run as one of the 10 days, then you cannot consider the day of the meeting as one of the 10 days). Publishing deadlines are strictly enforced by the Herald, and the Applicant will need to be sure that he provides the newspaper with the completed notice and applicable fee in adequate time to have it published on a date that will be at least 10 days prior to the meeting date. The contact information for the New Jersey Herald is Attn: Legal Advertising, 2 Spring Street, PO Box 10, Newton, NJ 07860, telephone 973-383-1500, fax 973-383-9284.
  - d. Additionally, a copy of the public notice has to be sent to each adjoining property owner and municipality that appears on the list provided to you by our tax assessor (which you have requested from him/her). The notice must be sent by certified mail, return receipt requested. The postmaster will stamp the white receipts from the mailing with the date that it was sent. To satisfy our requirements under the statute, you must submit to the Land Use Office the original white receipts, which need to be filled out with the address of the person who the document was sent and bearing the date when it was mailed. Similar to the newspaper notice, these notices **MUST** be mailed at least 10 days before the proposed meeting. Notices mailed even one day late will not be acceptable.
  - e. It is not required that you submit the returned green cards to the Land Use Office. Your responsibility is to mail the notices; you will not be responsible or penalized if the addressee does not pick up the document as long as you have sent it to the addresses given to you by the Tax Assessor, mailed them in a timely fashion and provided the white receipts and the certified list of adjacent property owners given to you by the Tax Assessor to the Land Use Office.
  - f. Once appropriate notice is given as per the statutory requirements, the Applicant must complete and submit a completed Affidavit of Publication, all white receipts of the mailing, a copy of the adjacent property owner's list from the Tax Assessor and a copy of the proof of publication that the notice ran in the New Jersey Herald at least 10 days prior to the meeting.
13. The site inspection form must be signed by the Applicant to give permission to our Board members and professionals to visit the site.
14. If you are the owner of the property, you must fill out the Affidavit of Ownership. If you are not the owner of the property, but you have the owner's consent to make the application, the authorization form must be filled out by the owner giving you permission to make the application which relates to his/her property.

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15. Once an application is deemed administratively complete (everything but the notice needs to be submitted 21 days prior to the meeting—notice submission can occur after the 21 day cut off, but needs to be submitted before the meeting itself), the Board engineer will visit the site and prepare an engineer's report. Once the report is available, our staff will attempt to provide you and your professionals with a copy prior to the meeting if time allows.
  
16. If you have further questions regarding these requirements, please call the Land Use Office at 973-827-9280 x110 during the hours of 8:30am - 4:00pm, Monday - Friday.