

**BOROUGH OF BRADLEY BEACH  
LAND USE BOARD  
APPLICATION TO APPEAL ZONING OFFICER'S DETERMINATION AND/OR  
FOR INTERPRETATION OF THE LAND DEVELOPMENT ORDINANCE  
PHONE NUMBER 732 776-2999 EXT. 1017**

*Dear Applicant,*

*The following information is given to assist you in the process of applying to the Land Use Board when seeking an appeal of the Zoning Officer's Determination or for an interpretation of the Land Development Ordinance.*

**Please review and submit the following information with your request:**

1. *Completed Application for Appeal/Interpretation of Zoning Officer's Determination.*
2. *Survey of the property **drawn to scale**, showing the block and lot numbers of the property, dimension of the lot; dimension of present and proposed structure(s), location of all structures, and distance of all to the property lines. Survey must be current, if not, applicants must submit an "Affidavit of No Change".*
3. *Provide a copy of the "Zoning Permit Denial" which was provided by the Zoning Officer.*
4. *Drawings of the proposed structure/work and a description of the proposed finished project. Be advised that it is helpful to the Board that you provide as much detailed information as possible to assist the members in their review of your appeal.*
5. *Recent colored photos of the structure as it "exists". Photos should show front, sides, and rear building elevations.*
6. *Please include copy of Corporation Documents if you are a company or corporation. If you are a company or corporation you must have an attorney represent you before the Board.*
7. *Submission of required fees: Application fee will be \$200, and the Escrow Deposit will be \$700. [Two separate checks both made payable to the Borough of Bradley Beach in these amounts are required at the time of filing.]*
8. *At the time of filing **all** taxes and sewer payments **must be current** for an application to be processed.*
9. *Applications received from someone other than the property owner **must complete** the attached owner(s)' affidavit of authorization and consent to submit the application before the Board.*
10. ***One (1) original and Sixteen (16) copies of all of the above documents are required when making your submission. All plan sheets exceeding 8 ½" x 11" must be folded.***
11. *All of the above items are required in order for the application to be deemed complete. An omission of any or one or more items will be reason to deem the application incomplete and require resubmission.*

**The Process:**

*Once your application and submissions have been received and deemed complete, you will receive a letter in the mail advising you of your hearing date. [This process may take as long as four to six weeks depending on the completeness of the application, and the number of applications filed waiting to be scheduled.]*

*When you receive your hearing letter, you will receive further instructions regarding the process of notifying the public of your application and the notice requirement to the newspaper.*

*You may wish to have your contractor and or professional(s) attend the hearing to answer any question that you are unable to answer. In general the Board can make their decision at the first scheduled hearing unless the applicant has failed to provide sufficient information.*

*If you have any questions or need clarification please feel free to contact, Ms. Kristie Dickert at the Board Office at 732-776-2999 Ext. 1017 or via e-mail at [KDickert@bradleybeachnj.gov](mailto:KDickert@bradleybeachnj.gov). E-mail is the best form of contact as Ms. Dickert is only in the office on Tuesday and Thursday afternoons beginning at 4:30 PM – BY APPOINTMENT ONLY.*

**BOROUGH OF BRADLEY BEACH**  
**LAND USE BOARD**  
**NOTICE OF APPEAL OF ZONING OFFICER'S DETERMINATION**

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**OFFICIAL USE ONLY**

CASE # \_\_\_\_\_ DATE FILED \_\_\_\_\_  
DISPOSITION \_\_\_\_\_ HEARING DATE \_\_\_\_\_

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**TO THE ZONING ENFORCEMENT OFFICER:**

The petition of \_\_\_\_\_  
Applicant's Name

shows that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, an application to  
the Zoning Officer for the purpose of (Describe intended action): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on the premises located at: \_\_\_\_\_  
Street Address

Block \_\_\_\_\_ Lot \_\_\_\_\_

as shown on the Municipal Tax Maps and owned, or optioned by this applicant was made; that after due consideration, the Zoning Officer did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, decline to issue said permit for the reasons stated in the attached copy of the Zoning Officer's Refusal of Permit form.

Applicant feeling aggrieved at the action of the Zoning Officer, files this notice of appeal with said officer, and requests that action of the Zoning Officer be reversed or modified as the facts may be determined and the applicant further requests that a day be fixed for hearing on this appeal and states that the proper notice will be given to all owners of property situated **within two hundred (200) feet** of all property specified above, and others required by statute.

**File a copy of this sheet/notice with the Zoning Officer, where appeal is sought.**

1. Property Address: \_\_\_\_\_
2. Block \_\_\_\_\_ Lot \_\_\_\_\_
3. Property is located in a \_\_\_\_\_ Zoning District according to the Borough of Bradley Beach Zoning Map.
4. Name of applicant: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: \_\_\_\_\_
5. Name of owner: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: \_\_\_\_\_
6. Name of contact person: \_\_\_\_\_  
Mailing address: \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: \_\_\_\_\_
7. Interest of applicant, if other than owner: \_\_\_\_\_

**Detailed Information:**

- Existing use of property: \_\_\_\_\_
- Proposed use of property: \_\_\_\_\_
- Special Flood Hazard Area: \_\_\_\_\_

8. Has there been any previous Planning Board, Board of Adjustment, or Land Use Board applications involving these premises?

Yes  No

If so, when \_\_\_\_\_

Result of decision \_\_\_\_\_

**(If yes, include copy of prior resolution)**

9. Justification/Reason for appeal of decision [be as specific as possible attach additional sheets as necessary]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT**  
**STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER**

[Original signatures only – copies will not be accepted]

***IN THE MATTER BEFORE THE LAND USE BOARD***

***IN THE BOROUGH OF BRADLEY BEACH, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.***

***I/WE, \_\_\_\_\_, WITH MAILING ADDRESS OF  
(Insert Property Owner's Name)***

***\_\_\_\_\_ OF FULL AGE BEING DULY  
(Insert Property Owner's Mailing Address)***

***SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:***

***"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH  
THIS APPLICATION DESIGNATED AS BLOCK(S) \_\_\_\_\_ LOT(S) \_\_\_\_\_***

***ALSO KNOWN AS \_\_\_\_\_  
(Insert physical address of the subject property)***

***I/WE AUTHORIZE \_\_\_\_\_  
(Insert name of Owner(s)' representative appearing before the Board)***

***TO APPEAL TO THE LAND USE BOARD OF THE BOROUGH OF BRADLEY BEACH FOR SUCH RELIEF  
AS MAY BE REQUIRED RELATING TO THE PROPERTY LISTED ABOVE, CONSENT TO SUCH APPEAL  
AND APPLICATION, AND AGREE THAT ANY DECISION OF THE LAND USE BOARD ON SUCH APPEAL  
SHALL BE BINDING UPON ME/US AS IF SAID APPEAL HAS BEEN BROUGHT AND PROSECUTED  
DIRECTLY BY ME/US AS THE OWNER(S).***

\_\_\_\_\_  
*(Original Signature of Owner to be Notarized)*

\_\_\_\_\_  
*(Original Signature of Owner to be Notarized)*

***Sworn and subscribed before me this***

***\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_***

***[NOTARY SEAL]***

\_\_\_\_\_  
***Signature of Notary Public***

**SITE VISIT AUTHORIZATION OF PROPERTY OWNER**

*I hereby authorize any member of the Borough of Bradley Beach Land Use Board and any of said of Board's professionals' or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.*

*Date:* \_\_\_\_\_  
\_\_\_\_\_ *Signature of Property Owner*

## Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Board.

The amount of the Escrow Deposit will be determined by the Borough of Bradley Beach Ordinance Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements. Please see attached for details

Any request for replenishment of escrow funds shall be due within fifteen [15] days of receipt of the request. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board and hold up of any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification of completion by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of the Borough of Bradley Beach's Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements and agree to all conditions listed.

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Name of Applicant: \_\_\_\_\_  
[please print]

Property Address: \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Applicant's Name: \_\_\_\_\_  
[Print Name] [Signature of Applicant]

Owner's Name: \_\_\_\_\_  
[Print Name] [Signature of Owner]

Date: \_\_\_\_\_

## Chapter 60. Land Use Procedures

### Article III. Provisions Applicable to Planning Board and Zoning Board of Adjustment

#### § 60-29. Application fees and escrow requirements.

[Amended 3-8-1977; 1-22-1985; 12-30-1988; 6-27-1989; 2-13-1990; Ord. No. 1999-14; 2-14-2006 by Ord. No. 2006-5]

A. Fees. The application fee for sketch plans and major and minor subdivisions and major and minor site plan applications for hearings before the Planning Board and Zoning Board of Adjustment shall be as follows. Application fee and escrow funds shall be used to reimburse professional fees, including meeting time, and additional administrative costs over and above attendance at meetings and routine administrative and office expense.

- (1) Application fee. Each applicant for development within the Borough shall be responsible for the payment of a nonrefundable application fee as particularly set forth in the within subsection and incorporated herewith.
- (2) Escrow fees. In addition to the payment of the nonrefundable application fee, each application must be accompanied by deposit of escrow funds to reimburse the Borough for the direct cost of professional services, including but not limited to engineering, planning, legal and other expenses incurred during the review of and the hearings on the within application.

[Amended 12-11-2007 by Ord. No. 2007-14]

- (3) Schedule of application and escrow fees.

[Added 12-11-2007 by Ord. No. 2007-14]

Classification	Application Fee	Escrow Fee
Initial consultation and concept plan review	None	\$500
Initial fee escrow and completeness determination	None	\$500
Informal sketch subdivision plat or sketch site plan	\$200	\$500
Minor subdivision application	\$750	\$1,500
Plus Tax Map Revision	None	\$500
Preliminary Major Subdivision Application	\$1,000	\$2,500
Final Major Subdivision Application	\$400	\$1,500
Plus Tax Map Revision	None	\$200 per lot
Preliminary Major Site Plan Application	\$1,000	\$2,500
Final Major Site Plan Application	\$400	\$1,500
Plus Tax Map Revision for Condominiums	None	\$200 per unit
Amended Plan Approval Applications	½ Original Application Fee	\$500

Classification	Application Fee	Escrow Fee
Conditional Use Application	\$400	\$750
Bulk (c) variance application	\$125 each variance	\$750
Use (d) variance application	\$500	\$1,500
Completeness waiver request	\$100/each	\$500
Extension of time application	\$200	\$500
Appeals and requests for interpretation	\$200	\$500
Copies of transcripts and tapes	None	\$200
Decisions and resolutions	None	\$200
Resolution Compliance Review	None	\$750
Zoning Permit Requests	\$35	None
List of Property Owners	\$10	None
Publication of Final Decisions	\$35	None

- B. Additional fee for special meetings. Every applicant who requests and obtains a special meeting in connection with any application for development or appeal shall pay to the Borough of Bradley Beach an additional fee of \$750 and post an additional escrow as required and determined by the administrative officer of the Board upon consultation with Board professionals.
- C. Professional review fees. Every applicant shall be responsible for paying all costs and fees charged by the Board Engineer for reviewing any plats, plans and other documents submitted in connection with any application and the costs of the Board Attorney for the preparation of any resolutions, work on said applications, research and attendance at the Board meetings. Upon receipt of an application, the administrative officer shall contact the Board Engineer and obtain an estimate of the Engineer's costs and fees for reviewing the application and supporting documents. The administrative officer shall immediately notify the applicant of the estimate, and the applicant shall deposit the amount of the estimate with the administrative officer, provided that the estimate exceeds the amount set forth in this section. The administrative officer shall pay out of the moneys so deposited all bills submitted by the Board Engineer and Board Attorney in connection with the application. In the event the deposit exceeds the professional bills, the excess shall be returned to the applicant within 60 days after final action on the within application. In the event the professional bills exceed the deposit, the administrative officer shall immediately notify the applicant, who shall immediately deposit an additional sum sufficient to satisfy the excess.



- D. Engineering resolution compliance fee (post approval). Upon approval of an application by the appropriate Board, the Board Engineer shall, prior to signing of the plans by the Chairman and Secretary and prior to issuance of any building permits, review the application as approved and any revised plans and supplemental documents submitted by the applicant to verify that all conditions of approval have been met. Upon completion of all improvements and prior to issuance of a certificate of occupancy, the Board Engineer shall conduct a final inspection to verify all improvements have been constructed in compliance with the approved plans and that all conditions of approval have been met. After memorializing of the resolution of approval, the applicant shall deposit the sum of \$750 with the administrative officer in escrow to cover the Engineer's costs and fees necessary for resolution compliance review and approval. In the event the deposit exceeds the Engineer's bills, the excess shall be returned to the applicant within 60 days of compliance approval by the engineer. In the event the Engineer's bills exceed the deposit, the administrative officer shall immediately notify the applicant, who shall deposit an additional sum sufficient to cover the excess. [Amended 12-11-2007 by Ord. No. 2007-14]
- E. Additional review fees. Any additional fees incurred by the Board Engineer or Board Attorney relative to review of any documents, post approval, including but not limited to amendments to site plan, meetings before the Planning Board, review of any documents from the Monmouth County Planning Board or any additional municipal, county, state or federal agency, shall be billed to the applicant. The administrative officer shall pay out of the money so deposited all bills submitted by the Board Engineer or Board Attorney in connection with any subsequent review.
- F. Every applicant for development shall be responsible for paying all costs and fees incurred by the professional consultants retained by or on behalf of the Borough and/or its boards, commissions or agencies in reviewing, testifying and/or assisting the Borough in processing applications and/or assisting the Borough in the evaluation, planning and proper design of municipal services and facilities necessary to accommodate the present or anticipated needs of the proposed development.
- G. Upon the request of the applicant, in writing, the appropriate administrative officer of the respective Board shall provide the applicant with a detailed list of all charges and disbursements made from the applicant's escrow account.