

**INSTRUCTIONS FOR FILING AN APPLICATION  
TO THE BOROUGH OF COLLINGSWOOD  
CONSOLIDATED PLANNING BOARD OF ADJUSTMENT**

**GENERAL INFORMATION:**

1. The regular monthly meetings of the Borough of Collingswood Planning Board of Adjustment are held on the 4<sup>th</sup> Monday of each month at 7:00 PM at the Borough of Collingswood Community Center, Second Floor, 30 West Collings Avenue, Collingswood, New Jersey 08108.
2. All applications submitted shall include the attached forms completed in full and duly executed by the applicant and property owner, a copy of the most recent survey of the property showing the present location and size of all existing buildings and improvements and setbacks to any and all structures along with any plans, drawings, literature, surveys, or any other documentation being presented in support of the application and those items detailed as required for submission in the governing ordinances (Ordinance §141-1 et seq.) Fifteen (15) collated sets of all submission materials and the completed application forms must be submitted to the Board Secretary no later than Twenty-One (21) calendar days prior to the next meeting date. Any error or omissions in the forms or missed deadlines may result in a delay in scheduling your hearing.
3. The Board Secretary will advise you of your hearing date and the applicant must then provide the required public notices via service and publication in either of the newspapers of record (Retrospect & Courier Post), with such notice being served and published at least ten (10) days prior to the scheduled hearing date using the attached form. Those persons entitled to notice of the application and the manner in which service and publication of the notice are to be effectuated are detailed in Ordinance § 141-8. The applicant must order a certified list of property owners and those others entitled to notice from the Borough Clerk. There is a charge of \$10.00 for this list. A tax map of properties within 200 feet of your property will be provided with the list and must be submitted with your application to the Board. The notification list may be obtained by submitting the attached form to the Borough Clerk. After completing the required notices, submit to the Board Secretary a completed Affidavit of Proof of Service, the form of which is included herein, all (white) certified mail receipts, no later than five (5) days before the scheduled hearing date, along with an Affidavit of Publication from the newspaper in which the notice was published.
4. Copies of the Collingswood Zoning Ordinance may be viewed at the Borough Clerk's office, the Collingswood Public Library, or online at <https://ecode360.com/CO0317> at no charge. Copies may be purchased from the Borough Clerk.
5. The applicant must provide two (2) separate checks for the required Application fee and Escrow fee which are detailed in §141-13 of the Ordinance.
6. If your property is in the Historic District, you must first apply to the Historic Preservation Commission for a Certificate of Appropriateness for your proposal. The Consolidated Planning Board of Adjustment cannot hear your application in most cases until it receives the recommendations of the Historic Preservation Commission.
7. In most cases, the Board will reach a decision on your application on the same night that the matter is heard. The Board will then adopt a Resolution of Memorialization at its next regularly scheduled meeting stating its decision and explaining the reason for it. A notice

of the adoption of such resolution will then be published in a newspaper of general circulation within the municipality. The applicant has the option of publishing notice of the Board's decision subsequent to the adoption by the Board of the Resolution of Memorialization.

8. Any member of the public may appeal the Board's decision within forty-five days of the date of publication of the Notice of Decision. If there is no appeal within that time, the decision then becomes final. However, you may begin to implement your development proposal immediately after the first approval AT YOUR OWN RISK. Any actions taken before the 45-day appeal period ends may be nullified if a successful appeal is taken.

9. A corporation or other business entity must be represented before the Board by an attorney at law of the State of New Jersey unless an exemption applies.

10. PLEASE NOTE that all applicants must be up to date on all payments due and owing to the Borough of Collingswood for taxes, water & sewer, etc. before your case can be heard.

**IF YOU HAVE ANY QUESTIONS OR REQUIRE ASSISTANCE PLEASE CALL:**

The Secretary for the Consolidated Planning Board of Adjustment at  
(856) 854-4440

OR

The Zoning Officer at  
(856) 854-0720 ext. 130

Note: All submissions for the Board Secretary may be left with the Borough Clerk.

## **GENERAL DISCUSSION OF VARIANCE REQUIREMENTS**

*This discussion is being provided for general informational purposes only.  
Please consult with a licensed New Jersey attorney for further guidance.*

The Collingswood Planning Board is empowered by state law to hear requests from applicants for relief from the municipal zoning ordinance provisions applicable to their property. Most variance applications fall into one of two categories. A “Bulk” or “C” variance is needed when the applicant intends to use his or her land in a manner permitted in its zoning district but cannot comply with the applicable dimensional requirements. It commonly arises when a structure is proposed within the required front, rear, or side yard setback areas. It also arises when new construction is proposed on a lot smaller than the zoning ordinance requires or when the structure would exceed the maximum lot coverage requirements.

In order for the applicant to be excused from the applicable requirements, he or she must convince the Board by a sworn factual presentation that he or she qualifies for an exception from the requirements. This exemption is called a variance. The applicant has the burden to prove to the Board by producing evidence that a variance should be granted. The Board has no responsibility to produce evidence to support the applicant’s position.

The standards applicable to the Board’s consideration of variance applications are found in the New Jersey Statute known as the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-70. Generally, there are two types of “C” variance each requiring different types of proof.

The first type usually relates to the physical features of the property or the structures on it. In these cases the applicant must prove to the Board why his property (not he or his family personally) is under a hardship if it must be developed in accordance with the existing requirements. The focus must be on the physical characteristics of his property that would make it impractical or would pose peculiar or exceptional practical difficulties relating to the property if applicant were required to conform to the existing requirements.

The second type of “C” variance requires the applicant to prove that the proposed use of the land would advance the purpose of the municipal land use law as expressed in N.J.S.A. 40:55D-2. If the applicant can prove the above and prove further that the benefits that would be created under his or her proposal would substantially outweigh any detriment flowing therefrom, then the applicant will have taken a major step in proving his or her right to a variance.

In both types of “C” Variances, the applicant must also prove that the requested relief can be granted without substantial detriment to the intent and purpose of the zoning plan and the zoning ordinance.

Please note that in “C” variance cases as well as “D” variances (explained below) it is essential that the applicant accurately describe his or her property and what borders it. An accurate survey showing the distances from the existing and proposed improvement to the surrounding lot line is essential. Photographs of the area involved are also a great assistance to the Board.

If the applicant can prove to the Board that the above criteria are met, he or she is entitled to a variance by a majority vote of the Board.

The second category of variances the Board considers is a “Use “ or “D” variance. This variance applies when the proposed use of the property is not permitted by current regulations. This type of variance is harder to get than a “C” variance because it requires five (5) affirmative Board votes out of a maximum of seven (7) voting Board members. An applicant must prove that special reasons exist to use or erect a principal structure in the district where such use or structure is not permitted or to permit applicant to expand a non-conforming use. A non-conforming use is one that the zoning ordinance permitted when the use began but is not permitted by current ordinances.

These special reasons are loosely described but not defined in the law. It is sufficient to say that special reasons are those which promote the general purpose of the zoning law found in N.J.S.A. 40:55 D-2. A hardship imposed on an applicant if his property cannot be practically utilized in the manner for which it is zoned can be a special reason. Aesthetic improvements under certain circumstances can also be a special reason. If the general welfare is benefited by the proposed use then that can be a special reason if the applicant’s land is uniquely suited for the proposed use. If the proposed use is inherently beneficial to the general welfare (i.e.: hospitals, schools, etc.) that also can qualify as a special reason and applicant does not have to prove that the property is uniquely suited to the proposed use.

The above situations are examples of special reasons but are not meant to be all-inclusive.

In addition to the above, a “D” variance that is not in an inherently beneficial use category must satisfy an additional requirement. The applicant must demonstrate why his proposed use has been omitted from uses that are permitted. This extra proof must be shown in such a manner as to enable the Board to find that the requested variance is not inconsistent with the intent and purpose of the Master Plan and the Zoning Ordinance.

Finally, as in “C” variances cases, an applicant for a “D” variance must also prove that the requested relief can be granted without substantial detriment to the public good and to the intent and purpose of the zone plan and zoning ordinance.

The law does not favor use variances because they are inconsistent with the applicable zoning plan. Therefore, five affirmative votes (as opposed to the simple majority vote required for a “C” variance) are required. For this reason, it is strongly recommended that applicants retain a lawyer to help them present their proof. Expert testimony to reconcile the contrast between the proposed use and its omission from permitted uses is also highly recommended.

The above is intended as a general discussion of the legal factors applicable to most common request for variances. Appeals from administrative error, questions or interpretations of the zoning ordinances, variances from conditional use requirements and increases in floor area ratio, permission to build on a lot not abutting a street, are matters not covered here. These types of requests come up less frequently and are beyond the scope of this discussion.

If necessary, zoning officials will explain the requirements applicable to your application. They cannot, however, act as your attorney or counselor and tell you what to do or say to the Board. If assistance is needed to present your application to the Board, an attorney should be consulted.

**APPLICATION FORM  
BOROUGH OF COLLINGSWOOD  
CONSOLIDATED PLANNING BOARD OF ADJUSTMENT**

This application with supporting documentation and the application for Developmental Checklist in 15 sets must be filed with the Board Secretary at least twenty-one (21) calendar days prior to the meeting at which the application is to be considered.

To be completed by Borough Staff only:

Date Filed: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Application No: \_\_\_\_\_

Application Fees: \_\_\_\_\_ Escrow Deposit: \_\_\_\_\_

Scheduled for Hearing on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

To be completed by the Applicant:

**1. SUBJECT PROPERTY**

Address: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Tax Map: Page \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Dimensions: Frontage \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

Is your property in the Historic district? \_\_\_\_\_ No \_\_\_\_\_ Yes

Are there existing Deed Restrictions or Easements? \_\_\_\_\_ No \_\_\_\_\_ Yes (please attach copies)

**2. APPLICANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Applicant is a Corporation: \_\_\_\_\_ Partnership: \_\_\_\_\_ Individual: \_\_\_\_\_

Applicants interest in the subject Property:

\_\_\_\_\_ Owner; \_\_\_\_\_ Tenant; \_\_\_\_\_ Contract purchaser; \_\_\_\_\_ Other (please describe)

**3. DISCLOSURE STATEMENT**

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than a 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. If the Applicant is a Corporation or Partnership, attach the name address and interest percentage of all stockholders and/or partners that apply.

<u>NAME</u>	<u>ADDRESS</u>
_____	_____
_____	_____
_____	_____
_____	_____

**4. PROPERTY OWNER**

If the Property Owner is other than the applicant, provide the following information for the Owner(s):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**5. TYPE OF APPLICATION (Check any and all that apply)**

\_\_\_\_\_ ***SITE PLAN*** (attach completed Application for Development Checklist)

\_\_\_\_\_ Informal Review      \_\_\_\_\_ Minor      \_\_\_\_\_ Major

\_\_\_\_\_ Amendment of Revision to an  
Approved Site Plan

\_\_\_\_\_ Request for Waiver from Site Plan review and approval

\_\_\_\_\_ Land area to be disturbed in square feet

\_\_\_\_\_ Number of proposed dwelling units (if applicable)

\_\_\_\_\_ Number of off-street parking spaces proposed

\_\_\_\_\_ **SUBDIVISION**

\_\_\_\_\_ Informal Review \_\_\_\_\_ Minor \_\_\_\_\_ Major

Subdivision to be filed by: \_\_\_\_\_ Deed \_\_\_\_\_ Plat

\_\_\_\_\_ Number of lots created (including remainder lot)

\_\_\_\_\_ Number of proposed dwelling units (if applicable)

Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate block and lot numbers? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_ **VARIANCE RELIEF / OTHER RELIEF**

\_\_\_\_\_ Change of Use

\_\_\_\_\_ Variance Relief (hardship) (N.J.S.A. 40:55D-70(C)(1))

\_\_\_\_\_ Variance Relief (substantial benefit) (N.J.S.A. 40:55D 70(C)(2))

\_\_\_\_\_ Variance Relief (use) (N.J.S.A. 40:55D-70(D))

\_\_\_\_\_ Waiver/DeMinimus Exemption of N.J. Residential Site Improvements Standards  
(N.J.A.C. 5-21)

\_\_\_\_\_ Conditional Use

\_\_\_\_\_ Direct Issuance of a permit in a public right of way, etc. (N.J.S.A. 40:55D-34)

\_\_\_\_\_ Direct Issuance of a permit for a lot lacking frontage (N.J.S.A. 40:55D-35)

\_\_\_\_\_ Appeal Decision of Administrative Officer (N.J.S.A. 40:55D-70(A))

\_\_\_\_\_ Map or Ordinance Interpretation of Special Question (N.J.S.A.40:55D-70(B))

\_\_\_\_\_ Sign and/or Banner

\_\_\_\_\_ Other (explain below)

Ordinance section(s) from which a variance is requested: (attach additional pages as needed)

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Submission/Development Standard waivers requested: (attach additional pages as needed)

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Reasons why a variance should be granted: (attach additional pages as needed)

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**6. PROFESSIONAL REPRESENTATION** (attach additional pages as needed)

Applicant's Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Applicant's Engineer/Architect/Planner: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**7. ADDITIONAL INFORMATION**

**A. PROPERTY HISTORY/EXISTING USE/STRUCTURES:** Describe in detail the existing improvements on the Property and the nature of the prior use(s) on the property, the date of commencement of such use(s), and any prior Board applications for the property (attach copies of Resolutions if applicable and additional pages if necessary).

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**B. PROPOSED USE/STRUCTURES:** Describe in detail the structures or improvements proposed for the property and/or the proposed uses of the property including, but not limited to, the types of goods or services offered, the hours of operation, the number of employees, the number of seats and tables, whether there will be outdoor activities the frequency and type of deliveries, how trash will be handled and any exterior changes proposed. Include details on any proposed off-tract improvements proposed (attach additional pages if needed).

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**8. OTHER REQUIRED APPROVALS**

List any other approvals that may be required and dates plans have been submitted

	Yes	No	Date Plans Submitted
Camden County Health Department	_____	_____	_____
Camden County Planning Board	_____	_____	_____
Camden County Soil Conservation District	_____	_____	_____
N.J.D.E.P.	_____	_____	_____
Stream encroachment permit	_____	_____	_____
Freshwater wetlands permit	_____	_____	_____
Other _____	_____	_____	_____
N.J. Department of Transportation	_____	_____	_____
PSE&G	_____	_____	_____
Other _____	_____	_____	_____

**9. CERTIFICATIONS**

I certify that the forgoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am the Officer of the corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership application. (If the applicant is a partnership, this must be signed by a general partner.)

**Sworn and subscribed before  
me this \_\_\_\_\_ day of  
\_\_\_\_\_ 20**

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

I certify that I am the Owner of the property which is subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by this application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner)

**Sworn and subscribed before  
me this \_\_\_\_\_ day of  
\_\_\_\_\_ 20**

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**SIGNATURE OF OWNER**

I understand that the sum of \$\_\_\_\_\_ has been deposited in an escrow account (Builder's Trust Account), and the application fee has been deposited in accordance with the Ordinances of the Borough of Collingswood. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of the submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

**Sworn and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20**

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

**BOROUGH OF COLLINGSWOOD  
CONSOLIDATED PLANNING BOARD OF ADJUSTMENT**

**FORM FOR PUBLIC NOTICE**

PLEASE TAKE NOTICE, in compliance with Ordinance 1058, Chapter 141-8 E of the Collingswood Zoning Ordinance, that \_\_\_\_\_ (*Name of Applicant*) shall appear before the Borough of Collingswood Consolidated Planning Board of Adjustment on \_\_\_\_\_ (*Date of Hearing*) at 7:00 p.m. at the Borough of Collingswood Community Center, Second Floor, located at 30 West Collings Avenue, Collingswood, New Jersey 08108 for the purpose of presenting an application for \_\_\_\_\_ (*List Each of the Approvals Being Sought in detail. If variance relief is sought, specify the section(s) of the Ordinance from which the applicant seeks to deviate*) permitting \_\_\_\_\_ (*Describe the Proposed Use and/or Improvements in detail*) for the property located at \_\_\_\_\_ (*Street Address*), Collingswood, New Jersey, which property is more particularly designated on the Tax Map of the Borough of Collingswood as *Block* \_\_\_\_\_, *Lot* \_\_\_\_\_.

The application and all associated documents, plans and materials may be inspected by the public between 9:00 AM and 4:30 PM in the office of the Borough Clerk in the Municipal Building located at 678 Haddon Avenue, Collingswood, New Jersey 08108.

All interested parties shall be provided with the opportunity to be heard at the public hearing of the Consolidated Planning Board of Adjustment on \_\_\_\_\_ (*Date of Hearing*) and shall be entitled to testify before the Board and/or question the applicant. The Consolidated Planning Board of Adjustment may continue the application and you are advised to contact the Secretary of the Consolidated Planning Board of Adjustment at the Municipal Building in order to confirm the date and time of the hearing.

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

\_\_\_\_\_  
*(Provide Name & Signature  
of Applicant or Representative)*

- ***Please ensure that public notice is provided to all property owners within two hundred feet (200') of the subject property and those entitled to notice pursuant to N.J.S.A. 40:55D-12 as well as being published in the Retrospect or Courier Post. Both the mailing and the publication must be accomplished at least ten (10) days in advance of the public hearing.***

**BOROUGH OF COLLINGSWOOD  
CONSOLIDATED PLANNING BOARD OF ADJUSTMENT**

**AFFIDAVIT OF PROOF OF SERVICE FORM**

CASE NO. \_\_\_\_\_

STATE OF NEW JERSEY   :  
  SS

COUNTY OF CAMDEN       :

I, \_\_\_\_\_, being duly sworn on oath, depose and say that I am the applicant in a proceeding pending before the Borough of Collingswood Consolidated Planning Board of Adjustment and that on \_\_\_\_\_ (*Date of Service*), I served Public Notice of the application and pending proceedings upon the list of property owners and interested parties supplied by the Borough, each of whom are specifically entitled to notice or whose property is located within 200 feet of the property which is the subject of the pending application, namely, \_\_\_\_\_ (*Address for Subject Property*), which property is also designated on the municipal tax map of the Borough of Collingswood as Block \_\_\_\_\_, Lot(s) \_\_\_\_\_. The Public Notice was served at least ten days prior to the hearing date and was sent by certified mail or via hand delivery to the property owners and/or interested parties on the list supplied by the Borough.

Sworn to and subscribed to  
before me on this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

**REQUEST FOR LIST OF PROPERTY OWNERS**

**DATE OF REQUEST:** \_\_\_\_\_

**NAME:** \_\_\_\_\_ **PHONE NO:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**BLOCK:** \_\_\_\_\_ **LOT NO.:** \_\_\_\_\_

**REQUEST THAT A CERTIFIED LIST OF NAMES AND ADDRESSES OF  
PROPERTY OWNERS WITHIN 200 FEET OF THE ADDRESS LISTED ABOVE  
AS SHOWN ON THE TAX MAP AND CURRENT TAX DUPLICATES OF THE  
BOROUGH OF COLLINGSWOOD BE FURNISHED IN ACCORDANCE WITH  
THE REQUIREMENTS OF N.J.S.A. 40:55D-12-C.**

Taxes: \_\_\_\_\_

Water/Sewer: \_\_\_\_\_

Lien: \_\_\_\_\_

**NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**FEE PAID \$10.00** \_\_\_\_\_  
*(to be signed at pick up)*

*For Office Use*

**DEPOSIT INTO 801 FEES & PERMITS  
CC: Anita Schoeffling**