BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, P.O. BOX 8619, WOODCLIFF LAKE, NEW JERSEY 07677

201-391-4977 EXT-209
FAX: 201-391-8830
ttardibuono@wclnj.com

ZONING BOARD OF ADJUSTMENT
APPLICATION DIRECTIONS

Instructions for application for variances or special exceptions of appeals to the Board under R.S. 40:55

The applicant must make a formal written application to the Board stating type of and basis for variance and enclosing the indicated fee.

The following fees shall be paid by the applicant at the time of filing the application for the purpose of defraying the expense:

Application for a variance from the terms of the zoning code of the Borough of Woodcliff Lake for special uses, hardship, or nonconforming use--$100.00

Application for an appeal from a denial of a building permit by the building permit by the Building Inspector--$100.00

Escrow for preparation of Resolution by the Board Attorney--$500.00

All applications must be filed with the Secretary of the Board by the first week of the month prior to the regular meeting of the Board of Adjustment, held on the fourth Tuesday of each month at 7:30 p.m. in the Borough Hall, 188 Pascack Road, Woodcliff Lake, New Jersey.
The following shall be submitted in complete sets. All plans must be folded, not rolled.

1. Application with Affidavit of Applicant. Affidavit of Ownership and Authorization, is required if anyone other than the owner is making the application. This form must be notarized.

2. Sixteen (16) copies of a plot plan prepared by a licensed surveyor or architect, showing the following:

a) Block and lot numbers.
b) Dimensions of lot.
c) Dimensions of present and proposed structure.
d) Location of all structures in relation to all other structures and property lines.
e) Ownership of next adjoining properties.

3. Sixteen (16) copies of updated survey and one stamped certified original.

4. Sixteen (16) copies of denial letter from Zoning Official.

5. Justification for variance(s) – Answer to 3 questions in application. These three items are included in the Zoning denial form and should be copied as follows:

1. State the articles and sections of the code you are denied under.
2. State the proposed work or use you are applying for.
3. State the actual variances (the variance item and amount of variance in feet or percentage.

Example: "For a variance from the terms of Articles and Sections 262-14B(4) to permit the construction of a deck, resulting in a side yard variance of 20 feet and total building coverage variance of 2%".

6. Copy of Application Checklist

NOTICE

Notice MUST appear in the local newspaper (The Record) ten (10) days prior to the public hearing date.

No less than ten (10) days prior to hearing date the applicant shall give notice to all property owners of property situated within 200 feet of the property to be affected (whether such property is within or without the Borough of Woodcliff Lake) in the following manner. All addresses must be procured from the tax records of the municipality and obtained from the Tax Assessor.

a) By certified mail, return receipt requested, to their usual residence or place of abode.
OR
b) By hand delivering the notice to said property owners.

The applicant shall prepare and deliver to the Board Secretary at least (7) seven days prior to the hearing:

a) Property owner's list (200 foot list.)
b) Affidavit of Service by applicant (notarized)
c) Affidavit of publication from the newspaper (must say exactly what denial letter states.)

****IMPORTANT**
In order to expedite the processing of your application, the applicant should be careful to comply fully with all above instructions. The Board can take no action until the above requirements are fully complied with, and if unable to act within 90 days from the date the application was received, the Board will be deemed by law, to have decided adversely to the applicant.

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ZONING BOARD OF ADJUSTMENT
APPLICATION CHECKLIST

Please check off and return a copy of this checklist with your completed application.

[ ] A fully executed application form for said requested variance, said form as provided by the Borough of Woodcliff Lake.

[ ] Sixteen (16) copies of the Zoning Officer denial.

[ ] A complete list, certified by the Borough Tax Assessor, containing the names and addresses of owners of all property within 200 feet from all points of the property to be affected by the application.

[ ] Sixteen (16) stamped set of drawings of the premises in question and a block diagram with street numbers, lot and block numbers with all lot dimensions showing the character and the occupancy within 200 feet, with all points of the compass indicated, and said drawings shall also include a ground or footprint plan of the building and typical floor plan, with all measurements.

[ ] Sixteen (16) sets of photographs of the vicinity of the property in question.

[ ] Sixteen (16) copies of an updated survey of the premises in question, certified by a licensed professional civil Engineer or surveyor of the State of New Jersey.

[ ] Payment in full of all fees.

[ ] A certificate from the Tax Collector stating whether any taxes or assessments are due or delinquent.

NOTICE TO APPLICANTS

NO NOTICE OF THE HEARING SHALL BE SERVED OR NEWSPAPER PUBLICATION MADE UNLESS CONSENT IS OBTAINED FROM THE BOARD SECRETARY.

ZONING BOARD OF ADJUSTMENT APPLICATION FORM
WOODCLIFF LAKE, NEW JERSEY

Filed _____

Hearing _____

NOTICE: This application must be filed within 30 days of the order from which the appeal is taken, accompanied by the required data together with two checks.

APPLICATION FOR A VARIANCE FROM THE TERMS OF THE ZONING ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE, NEW JERSEY

To the Zoning Board of Adjustment of the Borough of Woodcliff Lake:

An appeal is hereby made for a variance from the terms of Articles and Sections:

_____

of the Zoning Ordinance so as to permit the following:

_____

requiring the following variances:

_____

_____

This appeal is based on the decision rendered/order issued by the Construction Code Official dated _____ and reading as stated above.

NOTE: The law requires that the conditions set forth in the following three Sections 1, 2 and 3, MUST be established before a variance CAN be granted. Answers to these sections must be complete and full. Please attach these answers to a copy of the Construction Official's denial letter and Survey, and provide 16 copies:

1. That the strict application of the provisions of the Zoning Ordinance would result in practice difficulties or unnecessary hardships inconsistent with its general purpose and intent. (Explain in detail wherein your case conforms to this requirement.)

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood. (State fully wherein your case conforms to these requirements.)

NOTE: The Board of Adjustment is required to make a written finding of facts from the showing applicant makes that the three above enumerated conditions exist and, in addition thereto, must find that the granting of such variance will not be contrary to the objectives of the Zone Plan.

DESCRIPTION OF PROPOSED STRUCTURE OR USE

Premises affected known as _____ Woodcliff Lake, NJ.

Applicant: _____ Address: _____

Owner: _____ Address: _____

Lessee: _____ Address: _____

Zone: R-8.15, R-15, R-22.5, R-30, B-1, B-2, B-3, EAO, SO, Other _____

Last Occupancy: _____

Lot Size: _____

Building Size (Feet): Front_____ Depth _____

Percentage of Lot Occupied by Building: _____

Height of Building: Stories _____ Feet _____

Setback from Front Property Line: Feet _____

Setback from Side (if Corner Lot): _____

Has there been any previous appeal involving these premises? _____

If so, state character of appeal and date of disposition: _____

_____

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION,
I SUBMIT THE FOLLOWING:

(A) Completed Application

(B) Sixteen (16) copies of denial letter from the Zoning Official.

(C) Sixteen (16) copies of a Certified Survey of the property. If a present building exists, the survey shall clearly indicate such building thereon with all front, side and rear yard dimensions, together with prevailing setback dimensions.

(D) Sixteen (16) copies of a Plot Plan (if a new building), or Architectural Plans, clearly indicating such building thereon with all front, side and rear yard dimensions, together with prevailing setback dimensions. All plans to be folded, not rolled.

(E) ONE (1) copy of list of property owners served indicating method (Personal, Certified Mail) and date of service.

(F) Original, notarized Affidavit of Service with the following attached: original white certified mail slips stamped by the post office if served by certified mail, copy of Notice served, copy of Property Owners List:

AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY

COUNTY OF BERGEN

_____ of full age, being duly sworn according to law, on oath deposes and says that all of the above statements and the statements and the statements contained in the papers submitted herewith are true.

_____

(Applicant's Signature (s))

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

_____

Notary Public

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY

COUNTY OF BERGEN

_____ of full age, being duly sworn according to law, on

oath deposes and says that the deponent resides at_____

in the County of Bergen and State of New Jersey, that _____ is the owner in fee of lot, piece of parcel of land situated, lying and being in the municipality aforesaid and known and designated as **Block** _____ **Lot** _____.

_____

Owner's Signature(s)

Sworn to and subscribed before me this _____day of _____.

_____

Notary Public

AUTHORIZATION

(If anyone, other than above Owner, is making this application, the following authorization must be executed.)

To the Board of Adjustment:

_____ is hereby authorized to make the within application.

Dated: _____ _____

(Owner's Signature (s))

NEWSPAPER NOTICE

OBTAIN ORIGINAL AFFADAVIT OF PUBLICATION FROM NEWSPAPER

BOROUGH OF WOODCLIFF LAKE

NOTICE

PLEASE TAKE NOTICE that the undersigned has appealed to the Zoning Board of Adjustment of the Borough of Woodcliff Lake, NJ for a variance from:

_____

_____

of the Zoning Ordinances so as to permit the following:

_____

_____

on the premises_____

resulting in the following variances_____

_____

_____

This appeal is now on the Board's calendar and a public hearing has been ordered for:

_____, 20_____ at 7:30 p.m. in the Borough Hall of Woodcliff Lake, 188 Pascack Road, NJ at which time anyone interested may appear either in person or by agent or attorney and present any objection which he or she may have to the granting of this appeal.

Copies of the application and drawings are available for review at Borough Hall in Woodcliff Lake between the hours of 8:30 a.m. and 3:30 p.m. Monday through Friday.

_____

Applicant

ZONING BOARD OF ADJUSTMENT
WOODCLIFF LAKE, NEW JERSEY

AFFIDAVIT

PROOF OF SERVICE OF NOTICES UPON PROPERTY OWNERS MUST BE FILED AND VERIFIED WITH BOARD SECRETARY AT LEAST SEVEN (7) DAYS PRIOR TO MEETING OR CASE WILL NOT BE HEARD

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

_____of full age, being duly sworn according to law, deposes and says that he/she resides at_____; that _____is the appellant/applicant in a proceeding before the Board of Adjustment of the Borough of Woodcliff Lake, New Jersey, being an appeal under the Zoning Ordiance which relates to premises_____ that on _____, he/she gave written notice of the hearing on this appeal to each and all of the owners of property affected by said appeal according to the attached list(s) and in the manner indicated thereon.

FORM OF NOTICE

To: See attached letter from the Tax Assessor
Please take notice:
That the undersigned has appealed to the Board of Adjustment of the Borough of Woodcliff Lake, New Jersey, for a variance from the terms of Articles and Sections 262- _____
The Zoning Ordiance so as to
permit_____
_____
Requiring the following variances:
_____
_____on the premises_____
Which is within 200-feet of property owned by you. This appeal is on the Board's calendar and a public hearing has been ordered for_____, 20__, at 7:30p.m. in the Borough Hall, 188 Pascack Road, Woodcliff Lake, New Jersey. At which time you may appear either in person, or by agent or attorney, and present and objections which you may have to the granting of this appeal. Copies of the application and drawings are available for review at Borough Hall, 188 Pascack Road, Woodcliff Lake, New Jersey, between the hours of 8:30 a.m. and 3:30 p.m., Monday and Friday.

Respectfully,

_____

Sworn to before me this _____day of_____20_____.

_____ _____
Notary Public of New Jersey Signature of person, who served notices

ATTACH: Notice of Publication, property owners List and stamped white slips, or signatures.

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ORDINANCE 09-05

CHAPTER 117 FEES

§117-1 Fee schedule established.

Chapter			Fee
Chapter 215	**Site Plan Review**		
	Planning Board	Application Fee	$ 250.00
		Escrow Fee	$ 1,500.00
	Zoning Board	Application Fee	$ 100.00
		Escrow Fee	$ 500.00
Chapter 236 Subdivision of Land			
	Planning Board	Application Fee	$ 250.00
		Escrow Fee	$ 1,500.00
	Zoning Board	Application Fee	$ 100.00
		Escrow Fee	$ 500.00

All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

WOODCLIFF LAKE ZONING BOARD

1. Any property owner or other person directly affected by a decision of the Zoning Official may appeal to the Zoning Board of Adjustment. Please understand that the Zoning Official must apply the Zoning or other ordinances strictly; he lacks the authority to make adjustments of the law to suit particular problems.

2. Ordinarily, before the Zoning Official can apply the law to your case he will require a dimensioned sketch showing the location of the proposed building or addition on your property. A detailed survey or plot plan is therefore almost always required.

3. If you disagree with the Administrative Officer's interpretation, or seek a variance from the strict requirements of the ordinance, you must complete an application on forms provided by the Secretary of the zoning Board of Adjustment. Please answer all questions carefully and legibly. An application fee is required.

4. Generally, there are two kinds of variances. The first is a so-called "bulk" variance which relates to some dimensional requirement of the ordinance such as width of lot, area of lot, required yards, percentage of lot coverage by structure, or height of building.

These are governed by New Jersey Statute 40:55D-70(C) and are sometimes known as "C" variances.

"C" variances may be granted on either of two theories supported by proof:

1. If there is exceptional narrowness, shallowness, or shape of a <u>specific</u> piece of property, or if there are exceptional topographic conditions or physical features uniquely affecting a specific piece of property or the lawful structures such that the strict application of the zoning ordinance would result in peculiar and exceptional practical difficulties or hardship, then the board may consider a bulk variance. Note that the hardship must arise out of the nature of the property itself, and not be a family or personal problem.

2. The second theory on which a bulk variance may be granted is where, for a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a bulk variance and the benefits of that variance would substantially outweigh any detriment. The purposes are listed in New Jersey Statute 40:55D-2 and your application should be specific.

5. The other kinds of variance are the five listed in New Jersey Statute 40:55D-70(d) and are sometimes known as "d" variances. The five kinds are: (1) use or principal structure in a zoning district which does not permit such use or principal structure; (2) expansion of a non-confirming use; (3) variance from a standard which pertains <u>solely</u> to a conditional permitted use; (4) an increase in the permitted floor area ratio; (5) an increase in permitted density. "d" variances may only be granted for special reasons in particular cases.

Generally, unless the proposed use is charitable, the applicant should demonstrate that the site is not suited for any zoned use and that it is peculiarly suited for the proposed use. They require five affirmative votes by the Board of Adjustment.

6. In addition there maybe appeals from what you feel are errors made in the enforcement of the Zoning Ordinance or for interpretation of the zoning map or other ordinances.

7. In any of these cases you must show that the variance can be granted without substantially impairing the intent and purpose of the zoning Ordinance and Zone Plan. Obviously, you must present factual evidence and understand the intent and purpose of the Zoning Ordinance.

8. If the application involves more than a one or two family residence, Site Plan Review may be required. If it is to disturb more than 5,000 square feet of the surface area of the land for other than a single family residence, then Soil Erosion and Sediment Control Plan must be filed with the appropriate state agency.

9. After your application is completed the Secretary of the Board will give you a date for the hearing. You must publish notice of hearing in a local legally-designated newspaper and serve written notice on the owners of every piece of property within 200 feet of any part of the property for which the variance application is made. A list of property owners will be prepared for you. In addition if the property is within 200 feet of a county road you must serve the County Planning Board. If within 200 feet of the municipal boundary you must serve property owners in the adjoining municipality, the Clerk of that other municipality, and the County Planning Board. Service of notice must be completed at least 7 days before the hearing and you must file with the Board of Adjustment an affidavit of service to be prepared by you.

10. Members of the Board of Adjustment may inspect your property before the hearing to familiarize themselves with the problem.

11. The Board is made up of seven members and two alternates. All serve without pay.

12. The authority of the Board of Adjustment is limited by the Statutes and Woodcliff Lake Ordinances. You may present your appeal in person or through your attorney, but in either event, you must be prepared to present proofs required by law for your particular case. A corporation must be represented by an attorney. The Board makes recordings of the hearing and will ask that each person identify himself and speak clearly so that the recording can be understood later.

13. If you want a stenographic record you may engage a court-certified stenographer at your expense and should be willing to supply a copy of the transcript to the Board without expense, if required.

14. When your case is called you should be prepared to standup, explain what you want to do, why a variance is apparently required, what the neighborhood is like, how far neighboring buildings are from your property line, and present evidence on these and other practical points as concisely as possible. Identify buildings and uses by reference to the tax assessment map.

15. If the Board of Adjustment grants a variance, it may do so with conditions attached. A formal resolution memorializing the Board's decision, approving or denying an appeal or application or providing an interpretation of the Zoning Ordinance, will be adopted, usually at a meeting a month after a decision is reached.

16. An appeal from the decision of the Board of Adjustment may be made to the Law Division of the Superior Court within 45 days of publication of the Board's decision in a local legally-designated newspaper, and such appeal will be based on the record produced before the Board.

17. For more detailed information we suggest you see the Municipal Land Use Law which is codified as New Jersey Statutes 40:55D, and the Woodcliff Lake Zoning, Land Use, and/or Fence or Sign Ordinances. The Soil Erosion and Sediment control Act is New Jersey Statute 4:24-39 through 55, and the nearest Soil Conservation District Office is at 327 Ridgewood Avenue, Paramus, N.J. 07653 (Phone: 201-261-4407). The County Planning Board is at 21 Main Street, Hackensack, N.J. 07601 (Phone: 201-646-2896).