

**BOARD OF ADJUSTMENT
BOROUGH OF ELMWOOD PARK
BERGEN COUNTY
182 MARKET STREET
ELMWOOD PARK, NJ 07407**

**PROCEDURE FOR FILING AN APPLICATION WITH THE
ELMWOOD PARK BOARD OF ADJUSTMENT**

The attached packet of papers contains most of the required forms that you will need to submit your application. A "checklist" is included to insure that you have obtained and completed all of the required forms or lists.

In order to make this process as smooth and effortless as possible, we recommend that you proceed in the following order:

1. Obtain the future Board meeting dates from the Building Department's staff. The Board of Adjustment usually meets the fourth Wednesday of each month. Decide upon a date that you want to appear and plan your activities to meet the application submission date which is at least ten (10) days prior to the hearing date.
2. Visit the Tax Office, located down the hall from the Building Department office, to obtain a certified list of property owners within 200 feet of your property. These neighbors must be notified that you are seeking variance(s) for your property. There is a charge for this list and you may have to return another day to pick the list up.
3. Obtain a survey of the existing site (the Building Inspector may want to see an original with a Surveyors seal on it). Prepare a sketch/drawing of the proposed addition or revision. Be sure you or your Builder are aware of the Borough's current building code requirements.
4. Complete the Applicant's Affidavit and have your signature notarized. Also complete the Application page and have your signature notarized in the three (3) locations on the application. Your bank officer can perform this service, sometimes without a fee.
5. Write a Letter of Intent which clearly explains the reason and necessity for the variance. This letter is to the Board of Adjustment, not your neighbors.
6. Complete the Public Notice, make copies and distribute to the property owners within two hundred feet of your property. If you personally deliver the notice, use a copy of the Tax Office list and obtain a signature from the property owner. If you deliver via the mail, you must use Registered Mail or Certified, signed receipt requested, for delivery (present cost is over \$5.00 per letter).

IMPORTANT NOTE: WHEN ADVERTISING IN THE NEWSPAPER, APPLICANT MUST ADVERTISE FOR THE SPECIFIC VARIANCE(S) THAT THEY ARE APPLYING FOR.

EXAMPLE ONLY: Nature of relief sought: Variance needed for lot coverage and front yard setback to construct an addition.

7. Call the Legal Advertisement Department of one of the following newspapers, The Bergen Record, Herald News, or News Beacon and place an ad notifying the public of your intent to apply for a variance. The newspaper staff can help you with the wording. The ad must run for one day at least ten days PRIOR to the Board Meeting. Request a Certified receipt for the advertisement and a copy of the ad.

SUBMITTING YOUR APPLICATION TO THE BUILDING DEPARTMENT

Any application made to the Board requires fees which must be paid at the time of submission. The fee schedule is included within the original packet of papers. All checks must be made payable to the Borough of Elmwood Park.

At least ten days prior to the hearing date, the original documents and fourteen (14) copies must be submitted to the Building Department.

NOTE: Only the original document is needed for the:
Fee schedule and copy of checks
List of property owners within 200 feet
Certified receipt for advertisement and copy

Collate the documents in the following order:

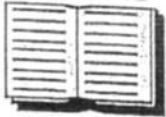
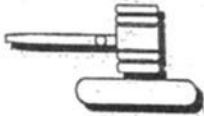
1. Application for variance, notarized in the three (3) spaces provided.
2. Fee schedule and copy of checks.
3. Building Inspector's denial letter, if applicable.
4. Letter of intent, explaining reason and necessity for variance.
5. Survey or sketch of existing site, outlining proposed additions or revisions.
6. A Certified list of property owners within 200 feet.
7. Notice sent to property owners within 200 feet.
8. Certified receipt for newspaper advertisement and copy of the advertisement.
9. Proof of delivery of notice which was sent to property owners.

Also include in your original application, a self addressed stamped envelope so that your Resolution from the Board of Adjustment can be mailed to you after your hearing.

Thank you,

Board of Adjustment Secretary

CHECKLIST FOR APPLICATIONS TO THE BOARD OF ADJUSTMENT

1.  APPLICATION
NOTARIZED IN 3 SPACES (PAGE 1)
2.  FEE SCHEDULE AND
COPY OF CHECKS
3.  DENIAL LETTER
RECEIVED BY BUILDING DEPT. (IF APPLICABLE)
4.  LETTER OF INTENT
5.  SURVEY OR SKETCH
OF PROPERTY AND REVISION
6.  CERTIFIED LIST OF PROPERTY OWNERS
7.  NOTICE SENT TO PROPERTY OWNERS
8.  CERTIFIED RECEIPT OF
ADVERTISEMENT
9.  PROOF OF DELIVERY
OF NOTICE SENT TO OWNERS

STATE OF NEW JERSEY)
COUNTY OF _____)

I, being duly sworn according to law, depose and say that all statements made in the application and any statements made in any papers submitted herewith are true.

Sworn to and subscribed before me this day of:
_____ 20

Applicant's Signature

Attorney at Law of New Jersey
Notary Public of New Jersey

OWNER'S AFFIDAVIT

STATE OF NEW JERSEY)
COUNTY OF _____)

_____ of full age being duly sworn according to law, deposes and says that he/she resides at _____ that (he) (the) (it) is (are) the owner(s) of the tract of land mentioned in this application and if not the applicant mentioned herein, permission is hereby given to applicant to make this application.

Sworn to and subscribed before me this day of:
_____ 20

Owner's Signature
(If owner is a corporation, signature of Officer and his title to be placed herein seal of Corp. impressed)

Attorney at Law of New Jersey
and Notary Public of New Jersey

NOTIFICATION OF SERVICE AFFIDAVIT

STATE OF NEW JERSEY)
COUNTY OF _____)

_____ of full age, being duly sworn according to law, deposes and says, that he resides at _____ in the Borough of _____ in the County of _____ and State of _____; that he is the applicant in a proceeding before the Board of Adjustment, Borough of Elmwood Park, being an application under the Building Zone Ordinance which relates to premises _____, that he gave notice of this proceeding to each and all of the owner's of property affected by said application, by personal service to resident owners and registered or certified mail to non-resident owners on _____ 20____. A list of owners notified attached hereto.

Sworn to and subscribed before me this day of:
_____ 20

Attorney at law of New Jersey
Notary Public of New Jersey

Owner's Signature

APPLICATION IS HEREBY MADE FOR A VARIATION FROM THE REQUIREMENTS OF
THE BUILDING ZONE ORDINANCE BY:

Applicant's Name _____

Address _____

Phone Number _____ Alternate phone number _____

For premises located at: _____ Elmwood Park, N.J. 07407.

Known as: Block _____ Lot _____ on the Elmwood Park Tax Map. Use District _____

Owner(s) Name _____

Address _____

Phone Number _____ Alternate phone number _____

Size of existing lot _____ x _____ Corner House (or) Exterior House (circle one)

Type of existing building: One Family _____ Two Family _____ Commercial _____ other _____

Set back of existing dwelling: front _____ rear _____ right side _____ left side _____

Proposed Construction: _____ Size of proposed construction: Height _____

Length _____ Width _____ Set back of proposed construction: front _____ rear _____

right side _____ left side _____

Has there been any previous appeal involving these premises? _____

Date _____ character of appeal _____

Disposition

The variation desired are as follows: _____

PUBLIC NOTICE
BOROUGH OF ELMWOOD PARK

PLEASE TAKE NOTICE that a public hearing will be held on _____
at _____ in the Council Chambers of the Municipal Building, Elmwood
Time _____ Date _____
Park, N.J., whereupon the Planning Board/Board of Adjustment of the Borough of
Elmwood Park will consider the following application:

1. Name of applicant _____
2. Street address of property to which application applies _____

3. Block _____ Lot _____ Zoning _____
4. *Nature of relief sought _____

*(insert here a sufficiently adequate description of the relief sought as to
convey sufficient and clear notice thereof to any interested party.)

When the case is called, you may appear, either in person, or by attorney present
any testimony which you may have concerning the application. All Documents
relating to this application can be inspected in the office of The Building
Department in the Municipal Building between 10:00 A.M. and 3:00 P.M.
Monday thru Friday.

Respectfully,

Dated

Signature

AFFIDAVIT OF SERVICE

State of New Jersey

County of _____

_____ of full age, being duly sworn according to law, on his oath
Name
deposes and says that he resides at: _____ in the
Address

_____ Municipality County of _____, and State of _____

and that he did on _____ 20 _____ at least ten days prior to hearing date, give
personal notice to all property owners within 200 feet of the property affected by appeal
number _____ located at _____.

Said notice was given either by handing a copy to the property owner, or by sending said notice
by certified mail. Copies of the registered receipts are attached hereto.

Notices were also served upon:
(check if applicable)

- ☐ 1. The Clerk of the (Municipality) of _____
- ☐ 2. County Planning Board
- ☐ 3. The Director of the Division of State and Regional Planning
- ☐ 4. The Department of Transportation
- ☐ 5. The Clerk of Adjoining Municipalities

A copy of said notices are attached hereto and marked Exhibit A.
Notice was also published in the official newspaper of the Municipality as required by law.
Attached to this affidavit and marked Exhibit B is a list of owners of property within 200 feet of
the affected property who were served, showing the lot and block numbers of each property as
same appear on the municipal tax map, and also a copy of the certified list of such owners
prepared by the Tax Assessor of the Municipality, which is marked Exhibit C.

There is also attached a copy of the proof of publication of notice in the official newspaper of the
municipality, which is marked Exhibit D.

Signature of Applicant

Sworn and subscribed to before me this _____
day of _____ 20 _____

Article XVIII
Fees, Guarantees and Deposits

34-66 FEES.

Every application for the review of a site plan, minor subdivision and major subdivision by the Planning Board or the Board of Adjustment shall be accompanied by check for deposit on fees, payable to the Borough of Elmwood Park for the amount computed under the guidelines below:

a. Any application involving commercial/industrial site plan, minor subdivision at the commercial/industrial zoned property and construction involving Chapter XXVIII, "Flood Damage Prevention."

1. Application fee = One hundred fifty (\$150.00) dollars (separate check).

2. Board's Attorney fees (separate check):

(a) Five hundred (\$500.00) dollars in the escrow account for professional fees in preparation of related work and resolutions.

(b) One hundred fifty (\$150.00) dollars for the first acre of land or part thereof included within the site development plan.

(c) An additional sum computed at the rate of twenty-five (\$25.00) dollars per acre of land, or part thereof, in excess of one (1) acre.

3. Engineering fees (separate check):

(a) Six hundred (\$600.00) dollars for the first acre of land or part thereof included within the site development plan, plus:

One hundred fifty (\$150.00) dollars if Soil Conservation District approval is needed;

Two hundred fifty (\$250.00) dollars if County approval is needed;

Two hundred fifty (\$250.00) dollars if DEP approval is needed;

Two hundred fifty (\$250.00) dollars if EPA approval is needed;

Two hundred fifty (\$250.00) dollars if DOT approval is needed.

(b) An additional sum computed at the rate of sixty (\$60.00) dollars per acre for each acre of land, or part thereof, in excess of one (1) acre.

(c) An additional sum computed at the rate of five (\$.05) cents per square foot for the first five thousand (5,000) square feet of building's gross floor area, or part thereof, included within the site development plan.

(d) An additional sum computed at the rate of three (\$.03) cents per square foot for each square foot of building's gross floor area in excess of five thousand (5,000) square feet.

(e) Under no circumstances shall the maximum amount of fees to be paid on any application with regard to engineering fees exceed the maximum fee of two thousand (\$2,000.00) dollars for initial site plan review.

4. Special/extended hearing fees. For any special hearing required or requested on any application or any extended hearing, extended hearing is defined to be any hearing in excess of two (2) regular public meetings, the applicant shall, in addition to the above provided fees, deposit in an escrow account for professional fees:

Four hundred seventy-five (\$475.00) dollars for the Board's Attorney (separate check);

Four hundred seventy-five (\$475.00) dollars for the Borough Engineer (separate check);

Two hundred (\$200.00) dollars for the Board's Recorder (separate check).

b. Any application not involving site plan approval:

1. For a variance from the provisions of the Zoning Ordinance as provided by N.J.S.A. 40:55D-70, to include all variances other than use variances as defined herein, an application fee of one hundred (\$100.00) dollars shall be paid.

2. For a use variance from the provisions of this Zoning Ordinance as provided by N.J.S.A. 40:55D-70; an application fee of one hundred (\$100.00) dollars shall be paid.

3. Where the application for a variance pertains to property containing more than one (1) building lot of a size of fifty (50) foot width and one hundred (100) feet in depth, the application fee, in addition to the foregoing fees, shall be twenty-five (\$25.00) dollars for each additional lot.

4. Under any of the above conditions, the application fee will be accompanied by a deposit of two hundred (\$200.00) dollars in an escrow account for professional fees in preparation of related resolutions, except for residential dimensional variances for which the deposit in an escrow account will be fifty (\$50.00) dollars.

5. For initial processing fees in connection with minor subdivision review other than involving commercial/industrial zoned properties and properties regulated by Chapter XXVIII, "Flood Damage Prevention," the foregoing fees shall be posted:

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = Two hundred fifty (\$250.00) dollars (separate check)

Engineering fee = Four hundred (\$400.00) dollars (separate check)

6. For initial processing fees in connection with major subdivision review, the following fees shall be paid:

(a) **Up to 5 Lots, 5,000 S.F. or Less, Each.**

(1) **Sketch Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = One hundred fifty (\$150.00) dollars (separate check)

Engineering fee = Three hundred (\$300.00) dollars (separate check)

(2) **Preliminary Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = Three hundred (\$300.00) dollars (separate check)

Engineering fee (separate check) = Six hundred (\$600.00) dollars plus one hundred (\$100.00) dollars if Soil Conservation District approval is needed;

Two hundred fifty (\$250.00) dollars if County approval is needed;

Two hundred fifty (\$250.00) dollars if DEP approval is needed;

Two hundred fifty (\$250.00) dollars if EPA approval is needed;

Two hundred fifty (\$250.00) dollars if DOT approval is needed.

(3) **Final Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fees = Two hundred (\$200.00) dollars (separate check)

Engineering fee = Four hundred (\$400.00) dollars (separate fee)

(b) **6 to 10 Lots, 5,000 S.F. or Less Each:**

(1) **Sketch Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = One hundred fifty (\$150.00) dollars (separate check)

Engineering fee = Three hundred (\$300.00) dollars (separate check)

(2) **Preliminary Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = Three hundred fifty (\$350.00) dollars (separate check)

Engineering fee (separate check) = Seven hundred (\$700.00) dollars plus one hundred fifty (\$150.00) dollars if Soil Conservation District approval is needed;

Two hundred fifty (\$250.00) dollars if County approval is needed;

Two hundred fifty (\$250.00) dollars if DEP approval is needed;

Two hundred fifty (\$250.00) dollars if EPA approval is needed;

Two hundred fifty (\$250.00) dollars if DOT approval is needed.

(3) **Final Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = Two hundred fifty (\$250.00) dollars (separate check)

Engineering fee = Four hundred fifty (\$450.00) dollars (separate check)

(c) **11 Lots or More and Any Number of Lots Having a Lot Area Over 5,000 S.F. Each.**

(1) **Sketch Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = One hundred (\$100.00) dollars (separate check)

Engineering fee = Three hundred twenty-five (\$325.00) dollars (separate check)

(2) **Preliminary Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = Four hundred (\$400.00) dollars (separate check)

Engineering fee (separate check) = Nine hundred (\$900.00) dollars, plus one hundred fifty (\$150.00) dollars if Soil Conservation District approval is needed;

Two hundred fifty (\$250.00) dollars if County approval is needed;

Two hundred fifty (\$250.00) dollars if DEP approval is needed;

Two hundred fifty (\$250.00) dollars if EPA approval is needed;

Two hundred fifty (\$250.00) dollars if DOT approval is needed.

(3) **Final Plat**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fees = Three hundred (\$300.00) dollars (separate check)

Engineering fee = Five hundred (\$500.00) dollars (separate check)

(d) **Certificate of Occupancy (C.O.) or Certificate of Continued Occupancy (C.C.O.):**

Nonresidential zones where the building floor area exceeds five thousand (5,000) square feet:

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = One hundred fifty (\$150.00) dollars (separate check)

Engineering fee = Two hundred (\$200.00) dollars (separate check)

(e) **Minor Site Plan**

Application fee = One hundred (\$100.00) dollars (separate check)

Board's Attorney fee = Three hundred (\$300.00) dollars (separate check)

Engineering fee = Four hundred (\$400.00) dollars (separate check)

(f) **Special Hearing.**

For any special hearing required or requested on any application or any extended hearing, extended hearing is defined to be any hearing in excess of two (2) regular public meetings in connection with the major subdivision review, the applicant shall, in addition to the above provided fees, deposit in the escrow account for professional fees:

Four hundred seventy-five (\$475.00) dollars for the Board's Attorney (separate check)

Four hundred seventy-five (\$475.00) dollars for the Borough Engineer (separate check)

Two hundred (\$200.00) dollars for the Board's Recorder (separate check).

c. In every application for the review of a site plan, minor subdivision or major subdivision involving either residential or commercial/industrial zoned property, the applicant shall deposit in the escrow account, for each work session after the first work session review, at which said application is being considered, the following fees:

Separate Checks

\$400.00	Borough Attorney
\$400.00	Borough Engineer
\$150.00	Board Recorder

All checks are to be made to the order of the Borough of Elmwood Park.
(1969 Code § 88-77; Ord. No. 1978-6; Ord. No. 80-2; Ord. No. 85-10; Ord. No. 87-1;
Ord. No. 93-16; Ord. No. 93-4)

34-67 GUARANTEES.

a. As a condition of final site plan approval of minor or major subdivision approval, prior to the issuance of a building permit, the applicant shall furnish a performance guarantee in favor of the Borough in an amount not to exceed one hundred twenty (120%) percent of the cost of installation for all improvements approved on the plan which involved improvements in public rights-of-way; improvements extending utility and drainage facilities on the tract; lighting; curbing and paving, storm drainage, landscaping, and conditions involving the control of storm water runoff; soil removal, grading and soil erosion and sedimentation control. In addition, as a condition of final site plan approval or approval of a major subdivision, prior to the issuance of a building permit, the applicant shall enter into a builder's agreement with the Borough when an extension or relocation of municipal facilities is involved.

b. As a condition of final site plan approval, prior to the issuance of a Certificate of Occupancy, the filing of a maintenance guarantee with the Borough covering all items included under the performance guarantee shall be required. The maintenance guarantee shall be for an amount approved by the Governing Body upon the advice and recommendation of the Borough Engineer, but for an amount not more than fifteen (15%) percent of the original estimate of the cost of installing the improvements. The maintenance guarantee shall run for a period of one (1) or two (2) years as the Governing Body may determine.

c. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.