

INFORMATION ABOUT VARIANCES

TYPES OF VARIANCES

(a) Appeal of an Administrative Decision

An Appeal of an Administrative Decision is a request for the review of a decision made by the Zoning Officer to determine if the decision was in error under the provisions of the Zoning Ordinance or relevant statutes. Only the Zoning Board of Adjustment may hear such a request.

(b) Interpretation or Special Question

An Interpretation is a request for the interpretation of the Zoning Ordinance or Map, or for a decision on "special questions" which may arise in connection with the administration of the Zoning Ordinance. Only the Zoning Board may hear such a request.

Bulk (c) Variance

A bulk (c) variance (sometimes referred to as a "hardship" variance) is the relief of requirements from the Zoning Ordinance, which generally relates to physical features, such as lot and yard requirements. Either the Planning Board or Zoning Board has authority to hear bulk (c) variance requests.

Use (d) Variance

A use (d) variance is a request to permit the following:

1. use or principal structure in a zone that restricts such a use or principal structure,
2. expansion of a non-conforming
3. deviation from a specification or standard pursuant to a conditional use, use,
4. an increase in the permitted density (permitted number of dwelling units/gross area),
5. an increase of more than ten (10') feet or 10% of the permitted height of a principal structure. A use (d) variance may be heard only by the Zoning Board of Adjustment, approved only on the affirmative vote of five (5) members. All other requests may be decided by a simple majority of the Board members present and voting.

STANDARDS FOR VARIANCES

The requirements of the Zoning Ordinance and other relevant laws and ordinances are presumed to further the purposes of zoning embodied in the Municipal Land Use Law (M.L.U.L.). Therefore, every variance must, at least presumptively and to some limited extent, create some detriment to the public interest. The burden of proof is on the applicant to show that the application meets certain tests.

Bulk (c) Variance

1. The strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property
 - a. By reason of exceptional narrowness, shallowness or shape of a specific piece of property, or
 - b. By reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or
 - c. By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon; or
2. In an application or appeal relating to a specific piece of property the purposes of the M.L.U.L. would be advanced by a deviation from the Zoning Ordinance requirements; that the variance can be granted without substantial detriment to the public good; that the benefits of this deviation would substantially outweigh any detriment; and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

Use (d) Variance

For use (d) variances, the Board must review the positive and negative aspects of the application. The applicant must demonstrate that:

1. Relief can be granted without substantial detriment to the public good and
 2. Will not substantially impair the intent and purpose of the zone plan and zoning ordinance
- Or that:
3. The proposed use is an inherently beneficial one;
 4. It is not inherently beneficial, but the proposed site is particularly suited to the use; or
 5. The property would be zoned into inutility without the variance.

WANAQUE BOROUGH

INSTRUCTIONS FOR APPLICATION

Application: The Applicant must submit a formal written application to the Board on forms provided by the Board Secretary. Applications must be submitted one month prior to a regularly scheduled hearing date, to be considered.

Fees: Fees must be submitted at the time of application pursuant to the attached fee schedule. Please provide separate checks for the application and escrow fee.

Scheduling: The Land Use Administrator will review your application after it is submitted. The NJ Municipal Land Use Law allows 45 days for the Borough to determine whether your application is complete. If it is a simple variance application, a hearing date will be assigned when you submit your application and fees. If the application must be reviewed by the planner or engineer, you will receive a written notice within 45 days, advising you of the status of your application and/or a hearing date. If your application is deemed incomplete, you will receive a written notice specifying in what manner the application is deficient. After you resubmit your documents with all the necessary corrections and additions, the application will again be reviewed for completeness and if complete, a hearing date will be scheduled.

Legal Notice: The NJ Municipal Land Use Law requires that at least ten (10) days prior to public hearing of any application, proper notice be published in the Board's official newspaper (Suburban Trends/ Herald News). The newspaper will provide you with a "proof of publication" notice, which must be submitted to the Board Secretary at least five (5) days prior to your hearing. A sample of the legal notice format is included for your convenience.

Notice to Property Owners: The NJ Municipal Land Use Law also requires that you notice all property owners within 200 feet of your property of the public hearing. You must obtain a certified list of property owners prepared by the Borough Tax Assessor. It may take as long as 7 days to receive the list from the Tax Assessor's office. A sample Notice of hearing form is included in this packet. Your notice should have a specific section or sections of the ordinance for which you are requesting relief. ***Property owners must receive notice of hearing at least 10 days prior to the scheduled hearing date. They may be served by Certified Mail or in person.***

Isolated Lot Cases (Undersized Lots): The Wanaque Borough Board of Adjustment, as part of its procedures, recommends the buy-sell form letter which you have been given a sample of be followed in corresponding with adjoining property owners. While you are not required to use the exact wording (and the form should be modified for individual applications). Failure to follow this procedure may result in an adjournment of the case until the procedure is followed or a determination by the Board of Adjustment that you have not established the necessary hardship for granting variances. The purpose of this form letter is to assist applicants in giving the appropriate notice in undersize lot cases.

You must be prepared at the hearing to offer into evidence a copy of this letter with the return receipt requested together with any response from the adjoining property owners. In the event the response is oral only, then you are advised to write another letter to the adjoining property owner(s) setting forth substance of the conversation (i.e. such as any indication of an offer to purchase or sell) together with a statement in the letter that the adjoining property owner may appear on the hearing date to give testimony. A copy of your responding letter by certified mail may be offered at the hearing.

***THIS LETTER IS IN ADDITION TO THE REQUIRED STATUTORY NOTICE
YOU MUST GIVE ALL PROPERTY OWNERS WITHIN 200 FEET.***

If you have any questions concerning the procedure to be followed, consult your own attorney.

Affidavit: The enclosed Affidavit of Service must be completed, notarized and attached to the enclosed form "List of Property Owners to be Served" indicating that you have notified the owners by personal service or by certified mail. For certified mail delivery, you must bring the dated certified mail receipts (the white section stamped by the Post Office) to this board secretary at least 48 hours before your hearing date.

Passaic County Planning Board Application: You must submit a completed application to the Passaic County Planning Board, for:

- a) all major and minor subdivisions, and/or site plans with greater than one (1) acre of impervious surface and/or
- b) any application within 200 feet of County-owned property, including a county roadway.

Applications can be obtained by contacting the Passaic County Department of Planning at 973/569-4040.

Applications must be submitted to:
County of Passaic
Department of Planning
930 Riverview Drive, Suite 250
Totowa, New Jersey 07512

Corporations: Corporations must be represented by an attorney when appearing before the Board. Corporations must also provide a disclosure statement pursuant to State statute, which identifies all stockholders with more than 10% ownership of stock.

Pro Se: You may represent yourself if you are an individual applicant. If you are not representing yourself before the Board, the only person that can appear for you is an attorney. Although an attorney is not required for individual applications, you may elect to be represented, if you do not understand the documents that are required or the nature of the testimony that you must provide.

Application: The following documents must be submitted to the Board Secretary at least one month before the anticipated hearing date and assembled in twenty (20) packets:

- Denial from Zoning Officer.
- Signed and completed application form.
- Survey showing existing and proposed improvements, setbacks and location of well and septic as applicable. (*Board of Health must have information regarding well and septic.*)
- Drawing or other picture of building elevations containing proposed addition, if applicable.
- Floor plan, if applicable, showing all dimensions, doorways, etc. or present and proposed room layouts.
- Tax map showing property location.
- One copy of Proof of Taxes paid to date.
- Original certified list of property owners within 200 feet, which can be obtained from the Tax Assessor.
- One copy of Affidavit of Proof of Service, notarized with handwritten list of property owners and how they were served (form enclosed).
- Application Fee and Escrow Fee - Two (2) separate checks made payable to the Borough of Wanaque.

Public Hearing:

"C" Variance: When applying for a "C" Variance, or a Hardship Variance, it does not mean a "personal" hardship, but rather a hardship to the property, such as states in the NJ Municipal Land Use Law:

"Where by reasons of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to the Article 8 of this act, would result in peculiar and exceptional practical difficulties to, or the exceptional and undue hardship upon the developer of the such property, grant, upon an application of such regulation so as to relieve such difficulties or hardship."

The following are not reasons to grant a "C" Variance:

1. Increase in value - the mere fact the value of the land will be increased is no reason to grant a variance.
2. Self-Inflicted Hardship — Those who purchase property with full knowledge of the limitations imposed by the zoning and then allege that these measures restrict them in the use of their land, unless it can be proved that there have been changes in the character of the land or neighborhood which have occurred since the purchase which make it impossible to carry on without hardship under the terms of the ordinance.

If the subject property is lacking in frontage, rear or side yard setbacks or total area and adjacent property is available to cure the current lack in size, the property owner should attempt to make reasonable effort to purchase enough additional land to conform with the ordinance.

It must be determined that the hardship incurred stems from physical peculiarities of the subject property and no other cause. It must be found that alleged hardship does not stem from the personal problems of the property owners.

Testimony:

The applicant should be prepared to provide the following information during the public hearing for a "C" Variance (Hardship Variance):

1. Dimensions of all existing and proposed structures on the subject property and the existing and proposed impervious coverage.
2. Setbacks (front, side and rear) of all existing and proposed structures on the subject property.
3. Approximate setbacks of homes on the neighboring lots. Be prepared to identify the name of the property owners as well as block and lot number.
4. Is there any location on the property that would support the proposed addition that would not require a variance? Explain why other alternatives would not be feasible due to the topography of the site, trees, rock formations, location of the well and septic, etc.
5. Using the floor plans, identify all existing and proposed rooms and the use of each room or living space.
6. Is it possible to build upwards instead of outwards?
7. Provide photographs if they will be helpful in the proving of your case.
8. Do the benefits of approving the variance requested outweigh the detriments or negative impact that might occur by granting the variance?

"D" Variance: A "D" or Use Variance denotes a change in use that is specifically prohibited by the township's ordinance. The NJ Municipal Land Use Law stated that no use variance or other relief may be granted unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

An applicant must obtain five (5) favorable votes from the Board in order for the variance relief to be granted.

An applicant's presentation to the Board during the public hearing must include, but not necessarily be limited to, responses to the following questions:

1. Would granting of the variance contribute in a significant way to the general objectives of zoning and b the community's Master Plan, in particular?
2. Is the applicant being deprived of the value of his/her property under the current zoning ordinance unless the variance is granted?
3. Is the nature of the lot and its surrounding neighborhood such that the applicant could not possibly use it for any permitted use?
4. Would granting of the variance be detrimental to the public good or substantially impair the zone plan?

Resolution: At the conclusion of the testimony, a Board Member will make a motion to either grant or deny the application and to authorize the Board Attorney to prepare a resolution of law. This draft resolution will be presented to the Board Members for their review and comments as to whether the conditions include the thoughts and recommendations discussed during the hearing process.

The draft resolution is then voted on and memorialized by the Board, usually the next regular meeting. The adopted resolution is then submitted to the Zoning Office by the Board Secretary.

Escrow: Any vouchers submitted by the Board's professionals included during the review of the application will be deducted from the escrow deposit you submitted with your application. If the vouchers exceed the deposit, you will be required to deposit additional funds. If there is a balance remaining after all the vouchers have been submitted, you will receive a refund. This process can take up to three months from the time of your approval, since your refund request must be approved by the Board, and then the Borough Council prior to being issued by the Finance Department.

ANY QUESTIONS:

PLEASE CONTACT JENNIFER FIORITO.
SECRETARY TO THE PLANNING BOARD
AND BOARD OF ADJUSTMENT
AT 973-839-3000 X 7120

BOROUGH OF WANAQUE



PASSAIC COUNTY, NEW JERSEY
579 RINGWOOD AVENUE
WANAQUE, NEW JERSEY 07465

THOMAS F. CARROLL
Borough Administrator

MEMORANDUM

(973) 839-3000 Ext. 7113
Fax: (973) 839-4959

February 28, 2005

To : Borough Clerk's Office
Construction Code Office
Tax Assessor's Office
Tax Collector's Office

From: Thomas F. Carroll, Borough Administrator

Re : Highlands

Questions about developing in the Highlands should
be directed to:

N.J. Highlands Council
100 North Road (Route 513)
Chester, N.J. 07930
(908) 879-6737 Fax (908) 879-4205
www.NJhighlandscouncil.org

TFC/nv

**BOROUGH OF WANAQUE
PLANNING BOARD/BOARD OF ADJUSTMENT
APPLICATION FOR HEARING**

APPLICANT: _____

ADDRESS: _____

DAYTIME TEL# _____

SUBJECT PROPERTY: BLOCK _____ LOT _____ ZONE _____

PROPERTY ADDRESS _____

DATE FILED _____

An application is hereby made for hearing before the Board of Adjustment pursuant to:

_____ RS40:55D-70A	Appeals from determination of Administrative Officer
_____ RS40 :55D-70B	Interpretation of Zoning Map
_____ RS40:55D-70C	Bulk Area Variance
_____ RS40:55D-70D	Use Variance
_____ RS40:55D-76-1	Buildings in bed of mapped street, drainage or flood basin
_____ RS40:55D-36	Building adjacent to an unapproved street

of Section 114-_____ of the Borough Ordinances, so as to permit the building and or addition of : _____

1. This application is based on the decision rendered by the Administrative Officer dated: _____

2. Relief is requested from Section(s): _____

3. Applicants assert that the reasons for the Board to grant the relief requested are: _____

and that the specific facts upon which the above reasons based are: _____

4. The specific facts which show the relief sought can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance are: _____

5. There has/has not been a previous application invoking the premises affected. If so, the date, nature of disposition: _____

6. If the applicant is not the owner of the property, owners name and address: _____

7. Proposed structure or use: _____

8. Size of lot in square feet: _____

Dimensions of lot: Across front _____ Depth _____ Across rear _____

9. Present size of building at street level: _____ ft _____ stories

10. Proposed size of building at street level: _____ ft _____ stories

11. Present setbacks of existing structure: front _____ rear _____ side _____

Proposed setbacks after addition: front _____ rear _____ side _____

Side yard width adjoining side street on a corner lot: _____

12. Date of Acquisition of property: _____

The undersigned applicant certifies that he has reviewed the above and that the contents are true

Applicant

Date

**BOROUGH OF WANAQUE
PLANNING BOARD/ BOARD OF ADJUSTMENT**

APPLICANT(S) CERTIFICATIONS

OWNERS CONSENT

I certify that:

I am the Owner of the property which is the subject of this development application,
or

that I have authorized the applicant to make this application,

and that I agree to be bound by the application, the representations made and the
decision in the same manner as if I were the applicant.

**NOTE: If the owner is a corporation, this Consent must be signed by an
authorized corporate officer. If the owner is a partnership, the Consent must be
signed by a general partner.**

Sworn to and subscribed before me this

_____ day of _____, 20_____.

NOTARY PUBLIC

SIGNATURE OF OWNER

PRINT NAME

**BOROUGH OF WANAQUE
PLANNING BOARD/ BOARD OF ADJUSTMENT
APPLICANT(s) CERTIFICATIONS**

**DEVELOPERS ESCROW
AGREEMENT**

THIS AGREEMENT, made and entered on this _____ day of _____, 20____, by and between the Borough of Wanaque, a Municipal Corporation of the State of New Jersey (hereinafter **BOROUGH**) and _____ (hereinafter **DEVELOPER**), is made upon the following terms and conditions:

PROJECT NAME: _____

PROJECT LOCATION: _____

BLOCK(s): _____ LOT(s): _____

APPLICANT NAME: _____

APPLICANT FEDERAL ID OR SS NUMBER: _____

APPLICANT ADDRESS: _____

I understand that the sum of \$_____ has been deposited in an escrow account. In accordance with the Ordinances of the Borough of Wanaque, 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 submitted materials. Sums not utilized in the review process shall be returned to the individual or business from which the checks were submitted. 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. If additional funds are not received, I understand that no further action will be taken on my development application until the escrow account has been replenished.

DATE

Signature of Applicant/Owner/Representative

PRINT NAME

**BOROUGH OF WANAQUE
PLANNING BOARD/ BOARD OF ADJUSTMENT
APPLICANT(S) CERTIFICATIONS**

SITE INSPECTION CONSENT

I _____, hereby grant permission to the
Members of the Planning Board/ Board of Adjustment of the Borough of Wanaque, and
its authorized representatives, consultants and other Borough Officials , to enter onto
the premises located at:

_____ for the purpose of evaluation of the application for development presently pending
before the Board.

DATE

Signature Applicant/Owner/Representative

PRINT NAME

BOROUGH OF WANAUKE Planning Board / Board of Adjustment Fee Schedule		APPLICATION FEE	AMOUNT OF ESCROW
A.	SITE PLANS/ AMENDED SITE PLANS		
	1. Non Residential Site Plan Any plan for building improvement &/or lot area disturbance up to and including 1,000 SF	\$ 500.00	\$ 2,000.00
	2. For each additional 1,000 SF of new floor area	\$ 100.00	\$ 100.00
	3. For each additional 1,000 SF of lot area disturbed or part thereof	\$ 50.00	\$ 50.00
	4. Waiver minor site-plan/Site-plan exception (per 57-96)	\$ 200.00	\$ 1,000.00
B.	RESIDENTIAL SITE PLANS		
	1. 10 or fewer units	\$300.00 per unit	\$ 5,000.00
	2. 11 through 25 lots or units	\$100.00 per unit	\$ 7,000.00
	3. 26 or more	\$100.00 per unit	\$ 10,000.00
C.	CONCEPT REVIEW	\$ 500.00	\$ 1,000.00
D.	SUBDIVISIONS		
	1. Concept plan, review of:	\$ 500.00	\$ 1,500.00
	a. More than 1 to 9 lots	\$ 750.00	\$ 2,000.00
	b. More than 10 lots	\$ 750.00	\$ 2,000.00
	2. Minor subdivision (up to three lots)	\$ 500.00	\$ 2,000.00
	3. Preliminary major subdivision- first lot	\$ 100.00	\$ 200.00
	a. for each additional lot	\$ 500.00	\$ 2,000.00
	4. Amended preliminary major subdivision-first lot	\$ 50.00	\$ 100.00
	a. for each additional lot	\$ 500.00	\$ 2,000.00
	5. Final major subdivision- first lot	\$ 100.00	\$ 100.00
	a. for each additional lot	\$ 250.00	\$ 1,000.00
	6. Classification of Subdivision		
E.	VARIANCES		
	1. C variances	\$ 250.00	\$ 1,000.00
	Single family uses	\$ 500.00	\$ 1,000.00
	All other uses	\$ 1,000.00	\$ 2,000.00
	2. D variances	\$ 400.00	\$ 1,000.00
	3. All other variances or waivers	\$ 500.00	\$ 1,000.00
	4. Conditional use applications	\$ 2,500.00	\$ 5,000.00
	5. Application for Wireless Telecommunication Facilities	\$ 1,500.00	\$ 2,500.00
	Amended Wireless Telecommunication Facilities Appl.	\$ 500.00	\$ 1,000.00
	6. Appeals from administrative decision	\$ 500.00	\$ 1,000.00
	7. Interpretation of zoning ordinance/special question		
F.	MISCELLANEOUS		
	1. Zone change request	\$ 500.00	\$ 1,000.00
	2. Extension of approval	50% of Appl. Fee	\$ 2,000.00
	3. Zoning permit/Certification Letter	\$ 500.00	\$ 2,000.00
	4. Special meeting request by applicant	\$ 1,000.00	
	5. Certified Property Owner's List	\$ 50.00	
	6. Audio Recording of Meeting	\$ 50.00	
	7. Legal Notices	\$ 50.00	
fee schedule 05/08			

Wanaque Boro
1st check
Wanaque Boro
2nd check

WANAQUE PLANNING BOARD/BOARD OF ADJUSTMENT**DETERMINING COMPLETENESS OF APPLICATION FOR DEVELOPMENT****SITE PLAN**

Name of Applicant: _____ Phone: _____

Address: _____ Fax: _____

Application No.: _____ Date Filed: _____ Fee Paid: _____

REQUIRED DATA & INFORMATION (As Applicable)SUBMITTED WAIVER
REQUEST

1. ☐ ☐ 15 copies of completed application forms.
2. ☐ ☐ 20 copies of Site Plan and Survey signed & sealed by the required professionals licensed in the State of New Jersey.
3. ☐ ☐ Payment of applicable fees and deposits.
4. ☐ ☐ Proof of ownership; if applicant is not owner, consent of owner to submit application.
5. ☐ ☐ Certification from Tax Collector that all taxes and assessments are paid to date.
6. ☐ ☐ If a corporation or partnership, the names and addresses of all officers, stockholders and/or partners with more than 10% interest.
7. ☐ ☐ Site Plan clearly and legibly drawn by a licensed New Jersey Engineer, Planner or Architect drawn to a scale not less than one (1) inch = fifty (50) feet.
8. ☐ ☐ A Key Map showing the location of the subject property with reference to surrounding areas and existing street intersections drawn to a scale not less than one (1) inch = one hundred (100) feet.
9. ☐ ☐ Title of development, North Arrow, graphic scale, block and lot number, name and address of record owner, name and address of the applicant and name, address and license number and seal of the person preparing the site plan.
10. ☐ ☐ Certification block for signature of Board Chairman and Secretary.
11. ☐ ☐ Date. All revisions noted and dated.
12. ☐ ☐ All distances in feet and decimal of a foot and all bearings given to the nearest ten (10) seconds.
13. ☐ ☐ The names, as shown on the current tax records of the Borough of Wanaque, of all owners within two hundred (200) feet of the property, together with the block and lot number. (May be obtained from Tax Assessor)
14. ☐ ☐ Zoning Table: Zoning table including zoning requirements, existing and proposed data, including all variances requested.
15. ☐ ☐ Zone Data: The zoning district in which the property is located and all properties and zone boundaries within two hundred (200) feet. Indicate Conservation Area, Growth Area, Planning Area (PA1 – PA5) and/or Town Center as applicable.
16. ☐ ☐ Survey Data: Survey data showing boundaries of the property, building setback lines, buffer areas, lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use including grants, sight triangles, restrictions and rights-of way.
17. ☐ ☐ Existing Structures: The location of any existing buildings or structures (per NJAC 40:55D-7), including underground tanks, walls, foundations, fences, culverts and bridges, with spot elevations. Structures to remain shall be indicated by solid lines.
18. ☐ ☐ Proposed Structures: The location, height and first floor elevation of all proposed buildings and all other structures with elevations of the finished grade at each corner of each structure.
19. ☐ ☐ Use: The proposed use or uses of land and buildings, including the floor space of all buildings in square feet. Total area of the site and coverage of the site by all buildings.

20. ☐ ☐ ☐ Existing Features: The location of existing rock outcroppings, cliff faces, high points, water courses (indicating direction of flow), depressions, wetlands including transition areas, wooded areas and other significant existing features.
21. ☐ ☐ ☐ Floodplain: Delineation of the floodplain area and flood hazard area.
22. ☐ ☐ ☐ Vicinity Data: Location of all structures, streets, roads, and driveways within 200'.
23. ☐ ☐ ☐ Topography: Existing and proposed contours with contours at one (1) foot interval for slopes up to 3%, two (2) foot contour interval for slopes up to 10%; five (5) foot contour interval for slopes over 10% for the property. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid lines.
24. ☐ ☐ ☐ Steep Slopes: Location and area of slopes between fifteen and twenty-five percent and location and area of slopes greater than twenty-five percent (show crosshatched).
25. ☐ ☐ ☐ Streets: All proposed streets, with profiles indicating grades and cross sections of roadways (and driveways if serving more than two dwelling units).
26. ☐ ☐ ☐ Access and Egress: The means of vehicular and pedestrian access and egress to and from the site. Size and location of driveways, curb cuts, walkways, acceleration and deceleration lanes, road widening, directional arrows and any other means of controlling vehicular and pedestrian traffic. Sight triangles and proposed sight easements at all road intersections and driveways.
27. ☐ ☐ ☐ Stormwater Management: Stormwater Management Plan and supporting calculations.
28. ☐ ☐ ☐ Parking: The location and design of any off-street parking areas and loading areas showing size and location of bays, aisles, curbing, signage, screening and barriers. Spot elevations at corners of parking areas.
29. ☐ ☐ ☐ Water: Size and location of all existing and proposed waterlines, valves and hydrants or alternate means of water supply.
30. ☐ ☐ ☐ Drainage: Plans and profiles of all existing and proposed storm drainage, structures and facilities including cross sections of any proposed swales or watercourses.
31. ☐ ☐ ☐ Sanitary: Plans and profiles of all existing and proposed sanitary systems, with pipe sizes, grades and direction of flow.
32. ☐ ☐ ☐ Utilities: Location of all utilities (gas, electric, phone, cable, etc.)
33. ☐ ☐ ☐ Lighting: Lighting Plan indicating area of illumination, height, intensity, location, direction, screening and hours of operation of existing and proposed outdoor lighting.
34. ☐ ☐ ☐ Signs: The location and elevation plan of existing and proposed signs.
35. ☐ ☐ ☐ Landscaping: The proposed screening, landscaping and planting plan, including schedule; size, number and variety of plants, shrubs and trees. Provide method of planting and details.
36. ☐ ☐ ☐ Waste Disposal: The location, screening and type of garbage, refuse disposal and recycling facilities.
37. ☐ ☐ ☐ Walls & Fences: The location and height of all existing and proposed walls and fences.
38. ☐ ☐ ☐ Details: Details for curb, sidewalk, pavement, walls, fences, lighting, signs and all other proposed improvements.
39. ☐ ☐ ☐ Soil Erosion and Sediment Control Plan (Include limits of disturbance)
40. ☐ ☐ ☐ Architectural Plans and Elevations (Identify all exterior materials and roofing)
41. ☐ ☐ ☐ Traffic Report
42. ☐ ☐ ☐ Environmental Impact Statement (see ordinance 4-97)
43. ☐ ☐ ☐ Other Agencies: List of any approvals which may be required by other local, county, state or federal agencies.

I certify that the above checklist items have been shown on the drawings and other application documents submitted with this application.

WANAQUE PLANNING BOARD / BOARD OF ADJUSTMENT

DETERMINING COMPLETENESS OF APPLICATION FOR DEVELOPMENT

USE VARIANCE

Name of Applicant: _____ Phone: _____

Address: _____ Fax: _____

Application No.: _____ Date Filed: _____ Fee Paid: _____

REQUIRED DATA & INFORMATION

SUBMITTED WAIVER
REQUEST

1. ☐ ☐ ☐ 15 copies of completed application forms.
2. ☐ ☐ ☐ 20 copies of Site Plan and Survey signed & sealed by the required professionals licensed in the State of New Jersey.
3. ☐ ☐ ☐ Payment of applicable fees and deposits.
4. ☐ ☐ ☐ Proof of ownership; if applicant is not owner, consent of owner to submit application.
5. ☐ ☐ ☐ State whether applicant or owners, own or have under contract to purchase any adjoining lands.
6. ☐ ☐ ☐ Certification from Tax Collector that all taxes and assessments are paid to date.
7. ☐ ☐ ☐ If a corporation or partnership, the names and addresses of all officers, stockholders and/or partners with more than 10% interest.
8. ☐ ☐ ☐ Site Plan clearly and legibly drawn by a licensed New Jersey Engineer, Planner or Architect drawn to a scale not less than one (1) inch = fifty (50) feet.
9. ☐ ☐ ☐ A Key Map showing the location of the subject property with reference to surrounding areas and existing street intersections drawn to a scale not less than one (1) inch = one hundred (100) feet.
10. ☐ ☐ ☐ Title of development, North Arrow, graphic scale, block and lot number, name and address of record owner, name and address of the applicant and name, address and license number and seal of the person preparing the site plan.
11. ☐ ☐ ☐ Certification block for signature of Board Chairman and Secretary.
12. ☐ ☐ ☐ Date. All revisions noted and dated.
13. ☐ ☐ ☐ All distances in feet and decimal of a foot and all bearings given to the nearest ten (10) seconds.
14. ☐ ☐ ☐ The names, as shown on the current tax records of the Borough of Wanaque, of all owners within two hundred (200) feet of the property, together with the block and lot number. (May be obtained from Tax Assessor)
15. ☐ ☐ ☐ Zoning Table: Zoning table including zoning requirements, existing and proposed data, including all variances requested.
16. ☐ ☐ ☐ Zone Data: The zoning district in which the property is located and all properties and zone boundaries within two hundred (200) feet. Indicate Conservation Area, Growth Area, Planning Area (PA1 – PA5) and/or Town Center as applicable.
17. ☐ ☐ ☐ Survey Data: Survey data showing boundaries of the property, building setback lines, buffer areas, lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use including grants, sight triangles, restrictions and rights-of way.
18. ☐ ☐ ☐ Existing Structures: The location of any existing buildings or structures (per NJAC 40:55D-7), including underground tanks, walls, foundations, fences, culverts and bridges, with spot elevations. Structures to remain shall be indicated by solid lines.

19. [] [] Proposed Structures: The location, height and first floor elevation of all proposed buildings and all other structures with elevations of the finished grade at each corner of each structure.
20. [] [] Use: The proposed use or uses of land and buildings, including the floor space of all buildings in square feet. Total area of the site and coverage of the site by all buildings.
21. [] [] Existing Features: The location of existing rock outcroppings, cliff faces, high points, water courses (indicating direction of flow), depressions, wetlands including transition areas, wooded areas and other significant existing features.
22. [] [] Floodplain: Delineation of the floodplain area and flood hazard area.
23. [] [] Vicinity Data: Location of all structures, streets, roads, and driveways within 200'.
24. [] [] Topography: Existing and proposed contours with contours at one (1) foot interval for slopes up to 3%, two (2) foot contour interval for slopes up to 10%; five (5) foot contour interval for slopes over 10% for the property. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid lines.
25. [] [] Steep Slopes: Location and area of slopes between fifteen and twenty-five percent and location and area of slopes greater than twenty-five percent (show crosshatched).
26. [] [] Streets: All proposed streets, with profiles indicating grades and cross sections of roadways (and driveways if serving more than two dwelling units).
27. [] [] Access and Egress: The means of vehicular and pedestrian access and egress to and from the site. Size and location of driveways, curb cuts, walkways, acceleration and deceleration lanes, road widening, directional arrows and any other means of controlling vehicular and pedestrian traffic. Sight triangles and proposed sight easements at all road intersections and driveways.
28. [] [] Stormwater Management: Stormwater Management Plan and supporting calculations.
29. [] [] Parking: The location and design of any off-street parking areas and loading areas showing size and location of bays, aisles, curbing, signage, screening and barriers. Spot elevations at corners of parking areas.
30. [] [] Water: Size and location of all existing and proposed waterlines, valves and hydrants or alternate means of water supply.
31. [] [] Drainage: Plans and profiles of all existing and proposed storm drainage, structures and facilities including cross sections of any proposed swales or watercourses.
32. [] [] Sanitary: Plans and profiles of all existing and proposed sanitary systems, with pipe sizes, grades and direction of flow.
33. [] [] Utilities: Location of all utilities (gas, electric, phone, cable, etc.)
34. [] [] Lighting: Lighting Plan indicating area of illumination, height, intensity, location, direction, screening and hours of operation of existing and proposed outdoor lighting.
35. [] [] Signs: The location and elevation plan of existing and proposed signs.
36. [] [] Landscaping: The proposed screening, landscaping and planting plan, including schedule; size, number and variety of plants, shrubs and trees. Provide method of planting and details.
37. [] [] Waste Disposal: The location, screening and type of garbage, refuse disposal and recycling facilities.
38. [] [] Walls & Fences: The location and height of all existing and proposed walls and fences.
39. [] [] Details: Details for curb, sidewalk, pavement, walls, fences, lighting, signs and all other proposed improvements.

40. ☐ ☐ ☐ Soil Erosion and Sediment Control Plan (Include limits of disturbance)
41. ☐ ☐ ☐ Architectural Plans and Elevations (Identify all exterior materials and roofing)
42. ☐ ☐ ☐ Traffic Report
43. ☐ ☐ ☐ Environmental Impact Statement (see ordinance 4-97)
44. ☐ ☐ ☐ Other Agencies: List of any approvals which may be required by other local, county, state or federal agencies.
45. ☐ ☐ ☐ Existing Uses: The current uses of all properties within two hundred (200) feet of the subject property.
46. ☐ ☐ ☐ Any sections for which a waiver is specifically being requested and a narrative paragraph explaining why the Applicant is entitled to such waiver.
47. ☐ ☐ ☐ Narrative statement as to the specific facts which show that relief sought can be granted without substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and the zoning regulations.
48. ☐ ☐ ☐ Any special reasons to justify the grant of any variance pursuant to N.J.S.A. 40:55D-70d.

I certify that the above checklist items have been shown on the drawings and other application documents submitted with this application.

WRG:lg
12 Use Variance - Checklist

Applicant's Engineer/Surveyor

REQUEST FORM FOR LIST OF PROPERTY OWNERS ENTITLED
TO NOTICE

TO: BOARD OF ASSESSORS

RE: VARIANCE

PROPERTY LOT _____, BLOCK _____, BOROUGH OF WANAQUE

Please furnish a list, in triplicate, from the most recent tax list of the Borough, of property owners within a radius of 200 feet on all sides of the above captioned property, within ten (10) days from the date of this request, so that I can send the required notice pursuant to requirements of Ordinance of the Municipality and Statutes of New Jersey.

I acknowledge that I will pay a fee of \$15.00 for said list.

NAME _____

ADDRESS _____

PHONE _____

DATE: _____

**BOROUGH OF WANAQUE
BOARD OF ADJUSTMENT**

NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER

To: Suburban Trends/Herald News
Attention: Legal Advertising Department

DATE: _____

Please print the following notice one time in the legal column on or before

_____.
(Send proof of publication to applicant with invoice.)

BOROUGH OF WANAQUE

Please take notice that on the _____ day of _____ 20__ at
8:00 P.M., a hearing will be held before the Wanaque Borough Board of Adjustment
at the Municipal Building at 579 Ringwood Ave, Wanaque, New Jersey for approval
so as to permit:

on the premises located at:

And designated as Block _____ Lot _____ on the Wanaque
Borough Tax Map. The following variances will be sought: _____

Interested parties may appear at the meeting and be heard. A file on said application
is available to the public for inspection at the Municipal Building at the office of the
Board Secretary.

Name of Applicant

Phone # (during day): _____

Address of Applicant

**TO THE APPLICANT: This notice must be sent by Certified Mail or Personal
Service at least ten (10) days before the hearing. Please indicate that service
has been completed by filing the Proof of Service form, along with a copy of
this form, with the Board Secretary.**

**BOROUGH OF WANAQUE
PLANNING BOARD/ZONING BOARD OF ADJUSTMENT**

AFFIDAVIT OF PROOF OF SERVICE

APPLICATION #: _____

FILED DATE: _____

Proof of Service of Notices required by NJ State Statute must be filed and verified with the Board Secretary at least two days before the meeting or the case will not be heard.

STATE OF NEW JERSEY:

COUNTY OF _____: s

I, _____, of full age, being duly sworn according to law, on his/her oath deposes and says that he/she resides at _____ in the {municipality} _____ of _____ County of _____, and State of _____ and that he/she did on _____ 20____, at least ten (10) days prior to hearing date, give personal notice to all property owners within 200 feet of the property affected by Application 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 certified receipts are attached hereto.

Notices were also served upon:

(Check if applicable)

- ☐ The Clerk of the [municipality] of _____
- ☐ County Planning Board
- ☐ The Director of the Division of State and Regional Planning
- ☐ The Department of Transportation
- ☐ 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____.

***For notice requirements, see N.J. S. 40:55D-12.**

**BOROUGH OF WANAQUE
PLANNING BOARD/BOARD OF ADJUSTMENT**

APPLICANT'S OFFER TO ADJOINING PROPERTY OWNERS

SAMPLE DOCUMENT

Mr. & Mrs. _____

Lot _____ Block _____

Address: _____

Re: Application # _____

Dear Mr. & Mrs. _____

I have made application to the Wanaque Borough Zoning Board for a variance(s) to construct a single-family residence [or other structure as applicable] on Block _____ Lot _____, which adjoins your property. This letter is to inquire whether you would be interested in selling me your lot or a portion thereof in order to make my lot conform or more nearly conform with the current Wanaque Borough Zoning Ordinance(s). In the alternative, you may have an interest in purchasing my lot at the "fair market value" which in this instance means a building lot price as if the variance had been granted.

It is my intention to demonstrate to the Wanaque Borough Zoning Board that a "hardship" exists, as I am unable to either acquire additional land or sell my land at its fair market value.

If you have any interest in selling your lot, or a portion of your lot to me or in purchasing my lot, please indicate on the enclosed copy of this letter, your position with respect to this application. The Wanaque Borough Zoning Board hearing on the undersigned's variance application is scheduled for _____ at which time a copy of this letter and any response from you will be offered into evidence.

Enclosed is a stamped-return addressed envelope for your convenience. You may, of course, attend the Zoning Board hearing and give testimony concerning your position.

Very truly yours,

Applicant

RESPONSE OF ABUTTING PROPERTY OWNERS

Re: Applicant _____
Block _____ Lot _____
Borough of Wanaque

1. We have no interest in purchasing the Applicant's property
(yes or no) _____
2. We are willing to pay \$ _____
3. We have an interest in selling our property
(yes or no) _____
4. We are willing to sell our property for \$ _____
5. We have an interest in selling a portion of our property
consisting of _____ square feet (yes or no) _____
6. We are willing to sell the property described in #5 for \$ _____
7. We have no interest in buying the Applicants property
or selling our property or a portion of our property. (yes or no) _____
8. We will be in attendance at the Zoning Board
application to give our testimony
(yes or no) _____

Signature _____

Signature _____

Dated: _____

Note: You may send a copy of this response directly to the Board Secretary as follows:
Borough of Wanaque, 579 Ringwood Ave., Wanaque NJ 07465.
Re Application No. _____