

**VARIANCE APPLICATION FOR PRE-EXISTING LOTS NOT INVOLVED IN
SITE PLAN OR SUBDIVISIONS
TOWNSHIP OF BOONTON PLANNING BOARD
155 POWERVILLE ROAD
BOONTON TOWNSHIP, NEW JERSEY 07005
INSTRUCTION SHEET**

- I. All applications to the Planning Board consist of four essential steps on the applicant's part.
 - A. Submitting to the Planning Board Secretary not later than 4:00 p.m. twenty (20) days prior to the Planning Board meeting scheduled for action on the application. The Board meets the first Monday of each month.
 1. ***Copy of Building Inspector's decision denying permit upon which this appeal is based.***
 2. Application (Form 1) and Fee (check should be made payable to Township of Boonton). \$200.00 "C" Variance or \$500.00 "D" variance.
 3. Plot Plans (18 copies).
 4. A Certified list of the property owners within 200 feet obtained from the Township Tax Assessor for a fee of \$10.00.
 - B. ***SERVING NOTICE ON ADJOINING PROPERTY OWNERS NOT LATER THEN TEN (10) FULL DAYS PRIOR TO SCHEDULED MEETING. SERVICE BY CERTIFIED MAIL OR PERSONAL SERVICE REQUIRED.***
 - C. ***PUBLISHING LEGAL NOTICE IN THE CITIZEN NEWSPAPER, BERNARDSVILLE, AND NOT LATER TEN (10) FULL DAYS PRIOR TO SCHEDULED MEETING. (THE AD SHOULD APPEAR IN THE CITIZEN TWO (2) WEEKS PRIOR TO THE MEETING).***
 - D. ***Submitting to the Secretary of the Planning Board not later than three (3) days before scheduled hearing the following complete items:***
 1. Copy of Notice of Hearing (Form 2).
 2. Affidavit of Service of Notice (Form 2a).
 3. List of Property Owners (Form 3).
 4. Affidavit of Ownership (Form 4) signed and notarized.
 5. Copy of Building Inspector's or Planning Board's determination, if applicable.
 6. Notice of Publication from newspaper.

E. Appearing at the meeting (first Monday of each month).

Each step is explained completely in the following instructions. It is the responsibility of the applicant to secure, prepare and submit all forms, typed or clearly printed, in the proper order on or before the specified time. Any questions can be resolved by contacting the Secretary of the Planning Board.

II. **NOTICE OF HEARING**

All adjacent property owners must be served with a Notice of Hearing (Form 2) of the application or appeal at least ten (10) full days prior to the hearing.

A. **Obtaining Names and Addresses**

1. Request the Township Tax Assessor to prepare a certified list (Form 3) of property owners of the municipality located within a distance of 200 feet of all outside boundary lines of applicant's property. A fee of \$10.00 is required.

B. **Serving Notices**

1. The Secretary of the Planning Board will assign the applicant a hearing date only if the application is complete and acceptable.
2. Upon receipt of this hearing date, the applicant shall serve the Notice of Hearing (Form 2) to all the property owners listed on Form 3 as follows:

a. It is essential that all residents of Boonton Township who appear on the list be served either by the applicant:

(1) Handing a copy of the Notice to each owner, said owner to initial and date 200-foot list.

(2) By sending a copy of the Notice by Certified Mail.

b. Non-residents may be served by sending a copy of the Notice of Certified Mail to the owner's last known address as it appears on the tax list.

NOTE: Names and addresses of property owners in adjoining municipalities whose property is within 200 feet of applicant's property, must be obtained from the Clerk of that municipality.

3. **Adjoining Municipalities**

If property involved is within 200 feet of any adjoining municipality, the applicant must serve the Clerk of the municipality with a Notice of Hearing not later than ten (10) full days before the meeting, and also the Morris County Planning Board.

4. **Morris County Planning Board**

If property involved is adjacent to an existing county road or proposed county road, or adjacent to other county land, or is located within 200 feet of a municipal boundary, applicant must serve the Morris County Planning Board with a Notice of Hearing not later than ten (10) full days before the meeting.

5. **Partnerships and Corporations**

Where the owner is a partnership, service may be made upon any partner. Where the owner is a corporation, service may be made upon any officer of the corporation, or other person authorized by appointment or by law to accept service on behalf of the corporation.

III. **PLOT PLANS**

Plot plans consist of the following two parts and are to accompany application when filed:

A. Applicant's Property showing following:

1. Location of proposed building/addition to existing dwelling.
2. Indication of required setbacks, side and rear yards vs. proposed setbacks, side and rear yards, if applicable.
3. Lot dimensions and total square footage of lot.
4. Lot and Block numbers and street names.
5. North point.

6. **PLAN MUST SHOW COMPLIANCE WITH SECTION 102-171.2.**

7. Plot plan must be certified by an architect, engineer or surveyor licensed by the State of New Jersey.

B. Key map showing those properties whether within or without the municipality located within a distance of 200 feet of all outside boundary lines of applicant's property. Same can be prepared from a tracing of the Boonton Township Tax Map and should also include the following information:

1. Line on tracing or copy indicating the 200-foot distance from the applicant's outside boundary lines.
2. Lot and Block numbers of each lot within the 200-foot radius.
3. Owner's names on each lot.
4. Approximate location of all buildings within 200-foot radius.

5. North Point.
6. Street Names.

IV. ADDITIONAL INFORMATION

A. Decision of Planning Board

The Board shall render its decision in accordance with N.J.S.A. 40:55D-69 et seq as amended and in accordance with the Boonton Township Zoning Ordinance.

Failure of the Board to render a decision within 120 days, after the date an appeal is taken from the decision of an administrative officer, or the subdivision of a complete application to the Board, or within such further time as may be consented to by the applicant, shall constitute a decision favorable to the applicant.

B. Public Hearing

Meetings of the Planning Board are held on the first Monday in each month at 7:30 p.m., prevailing time, at the Municipal Building, Powerville Road, unless such day shall be a legal holiday, in which event the date of the meeting will be publicly announced at the previous meeting of the Board. At the public hearing the applicant must appear in person. If applicant is someone other than the owner, then Authorization (appearing on Form 4) must be executed. An attorney may appear on behalf of the owner. An attorney-at-law of the State of New Jersey must appear and represent any applicant who may be a corporation.

- C. Building Plans or sketch of proposed building or improvement should be presented to the Planning Board at the hearing or before, if possible.
- D. No application will be considered as being before the Board and no notices may be served until the Secretary of the Board assigns a hearing date.
- E. No new cases will be heard after 10:00 p.m., and no additional testimony will be taken after 10:30 p.m.

**PLANNING BOARD
TOWNSHIP OF BOONTON
NEW JERSEY 07005**

Application Number: _____
Date Filed: _____
Fee Paid: _____
Plot Plan Attached: _____

APPLICATION

Application for relief under R.S. 40:55D-69 et seq of New Jersey Municipal Land Use Law (Chapter 291 Law of 1975), as amended.

1. Applicant's Name: _____ Telephone: _____
Is this a _____ listed telephone number or _____ unlisted telephone number
Applicant's Address: _____

(Zip)

Owner's Name: _____
Owner's Address: _____

(Zip)

Relationship of Applicant to Owner (i.e., tenant, agent, purchaser under contract, or same person). _____

2. Location of Premises: _____ Lot: _____ Block: _____

The premises are situated on the (east, west, north, south) side of street and are approximately _____ feet (east, west, north, south) of _____
_____ (landmark or intersection of another street), and contain a lot area of _____ square feet.
The premises are located in the _____ Zone District. (R-81, R-40, etc.)

3. An appeal is hereby made for a variance from the terms of Section _____
of the Boonton Township Zoning Ordinance so as to permit _____

- continued on next page -

4. Check category under which this application is made.

- ___ (A) Appeal from alleged error made by an Administrative Official in the enforcement of the Zoning Ordinance. Board determines whether there is or is not an error. This is not an application for a Zoning Ordinance.
- ___ (B) Request for interpretation of the Zoning Map or Ordinance or for a decision on any other special question, which the Board is authorized by Ordinance to pass upon.
- ___ (C-1) Hardship Variance. (Use allowed but problem with lot size, yard size, etc.) Applicant must demonstrate hardship in utilizing property as required by the Zoning Ordinance based on:
1. Exceptional narrowness, shallowness or shape, or
 2. Exceptional topographical conditions, or
 3. Other extraordinary and exceptional situation or condition of such piece of property.
- ___ (C-2) A variance involving a deviation from the Zoning Ordinance requirements to a specific piece of property where the benefits of such deviation would substantially outweigh any detriment.
- ___ (D) Use Variance. (Different use sought than is presently permitted in zone. Example: Business in Industrial Zone, or any expansion of a nonconforming use or deviation from one or more of the standards established for a conditional use, or an increase in the density or floor area ratio.)
- ___ (E) Other. Example: NJSA 40:55D-36).

(Signed) Applicant

TOWNSHIP OF BOONTON – PLANNING BOARD

PROPERTY INSPECTION PERMISSION

PREMISES: _____

APPLICATION FOR: _____

This applicant and owner hereby grant permission to members of the various Township government boards and agencies involved with this application to enter upon the subject premises for inspection and study pertaining to this application until the application is either granted or denied.

DATE: _____

Signature of Applicant

Print Name

DATE: _____

Signature of Owner

Print Name

**NOTICE OF HEARING
Before the
Boonton Township PLANNING BOARD**

TO: _____

(Obtain names of owners of property
within 200 feet, within or without
the Township, from the
TAX ASSESSOR'S OFFICE)

PLEASE TAKE NOTICE:

That an application has been made by _____
(Applicant's Name)
on behalf of _____ for a variance
from the requirements of the Boonton Township Zoning Ordinance so as to permit

on the premises at _____
(Lot) (Block) (Number and Street)

This notice is sent to you as an owner of property in the immediate vicinity. A public
hearing has been ordered for _____, 20_____,
at 7:30 p.m., prevailing time, at the Municipal Building, Powerville Road, and when the
case is called, you may appear either in person, or by authorized agent, or attorney, and
present any objections, which you may have to the granting of this application.

This notice is sent to you by the applicant, by order of the Planning Board.

Respectfully,

AFFIDAVIT OF SERVICE OF NOTICE

STATE OF NEW JERSEY)

SS:

COUNTY OF MORRIS)

_____ of full age
(Name of person serving notice)

being duly sworn according to law, deposes and says, that he resides at _____
_____ in the municipality of _____

County of _____ and State of New Jersey; and that _____

_____ is the applicant or appellant in a proceeding before the
Board of Adjustment of the Township of Boonton, New Jersey, relating to the premises
designated as Block _____, Lot(s) _____, which property is located at
_____, Boonton Township, New Jersey, and that AT LEAST

TEN (10) DAYS prior to the time appointed for the hearing he served the required notice,
a true copy of which is attached hereto, upon all owners of property within 200 feet of the
outside boundary lines of the property to be affected by this appeal or application. That
such notice was personally served upon the property owners RESIDING WITH THE
TOWNSHIP OF BOONTON, either by (a) handing a copy of such notice to each of said
owners, or (b) by leaving a copy thereof at their usual place of abode, or (c) by sending a
copy of the notice by certified mail.

That such notice was given to NON-RESIDENTS of the Township of Boonton by
sending a copy thereof by certified mail, to them at their last known address as supplied
by the Township Clerk's Office. That any affected adjoining municipality has been
served.

Sworn and subscribed to before me this
_____ day of _____, 20____.

Signature of Applicant

A Notary Public of New Jersey

NOTE: At least three days prior to the hearing, this notarized AFFIDAVIT OF
SERVICE OF NOTICE, copy of NOTICE OF HEARING and LIST OF
PROPERTY OWNERS must be filed with the Secretary of the Planning
Board.

At the hearing, applicant or his agent must personally appear.



List of Property Owners

Township of Boonton

155 Powerville RD Boonton Township, NJ 07005

Date of Request		
Requestor Name		
Requestor Mailing Address		
Requestor Phone		
When the list is ready (please select only one)	Call for pickup ☐	Mail to address ☐

I am making a request of the Tax Assessor of Boonton Township to provide a certified list of property owners within 200 feet of:

Property Address					
Block		Lot		Qualifier	

2013 New Jersey Revised Statutes
Title 40 - MUNICIPALITIES AND COUNTIES
Section 40:55D-12 - Notices of application, requirements.

40:55D-12 Notices of application requirements.

7.1.c Upon the written request of an applicant, the administrative officer of a municipality shall, within seven days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection b. of this section. In addition, the administrative officer shall include on the list the names, addresses and positions of those persons who, not less than seven days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to subsection h. of this section. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner, to any public utility, cable television company, or local utility or to any military facility commander not on the list shall not invalidate any hearing or proceeding. A sum not to exceed \$0.25 per name, or \$10.00, whichever is greater, may be charged for such list.

(For Office Use Only)

I hereby certify the foregoing to be a complete list of property owners located within 200' of the block and lot referenced above in accordance with the Boonton Township Tax Maps.

Date: _____

Mark Burek, Tax Assessor

Carlos Carrero, Deputy Tax Assessor

Received by:	Cash ☐	Check ☐ Check number: _____
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AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY)
COUNTY OF MORRIS)SS

_____ of full age
being duly sworn according to law on oath deposes and says, that deponent resides at
_____ in the _____
of _____ in the County of _____ and
State of _____ that _____
is the owner in fee of all that certain lot piece or parcel of land situated, lying and being in
the Township of Boonton and known and designated as Lot(s) _____
in Block _____ as shown on the Tax Map of said Township.

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

(Owners to sign here) or (Company Name)

by: _____

AUTHORIZATION

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

To the Board of Adjustment:

To the Planning Board:

_____ is hereby authorized to make this application.

(Owner to sign here) or (Company Name)

by: _____

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AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY)

) :SS

COUNTY OF MORRIS)

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

Sworn to and subscribed before me
this _____ day of _____,
20____.

(Applicant to sign here) or (Company Name)

