

Borough of Essex Fells

ZONING BOARD OF ADJUSTMENT & PLANNING BOARD

INSTRUCTIONS TO APPLICANT FOR VARIANCE

PLEASE READ THIS INSTRUCTION SHEET CAREFULLY BEFORE SUBMITTING YOUR APPLICATION! You are applying for a variance to make a modification to your property that does not comply with Essex Fells zoning codes. Therefore, an applicant should not have an expectation of approval. This instruction sheet outlines the application procedure and required documents. A copy of the Essex Fells Land Development Code, is available at the Clerk's office at Borough Hall to assist the applicant in referencing state and borough regulations. (Please note the charge for this document is \$30.00)

ALL APPLICATIONS ARE JUDGED ON THEIR INDIVIDUAL MERITS. BOARD MEMBERS AND BOROUGH EMPLOYEES CANNOT PREDICT THE PROBABILITY OF SUCCESS OF YOUR APPLICATION.

1. The application must be filed with the Borough Clerk at Borough Hall, 255 Roseland Ave., P.O. Box 38, Essex Fells, N.J. 07021 (Hours: Mon. – Fri., 9:00 a.m. to 4:30 p.m.) All fees are due upon submission of completed application (checks payable to the Borough of Essex Fells) and before being placed on the next available agenda. The Zoning Board's regular meeting date is the fourth Thursday of each month at 7:30 p.m. The Planning Board meets the second Thursday of each month, at 8:00 p.m.
2. **15 SETS OF APPLICATION DOCUMENTS.** It is the responsibility of the applicant to mail or deliver fifteen (15) copies of the application and all supporting documents to the Borough Clerk and one (1) copy mailed directly to the Board Attorney for his review, at least 30 days prior to the meeting at which the application is to be considered. The applicant is required to submit 16 copies of each of the following documents:
 - A. General Land Use Application form (Include 'Attachment A' if applying to Planning Board
 - B. Plot plan showing at least:
 - i. tax map block and lot numbers
 - ii. dimensions of lot, and all current and proposed setbacks, including front yard setback measured from both the center line and the street right of way
 - iii. dimensions and locations of present and proposed structures
 - iv. area of lot in square feet as measured to the Right-of-Way and also to the street centerline
 - C. Building plans – For FAR applications, include dimensioned and scaled floor plans and elevations for all existing and proposed structures, including accessory structures.
 - D. Worksheets:
 - i. Zoning Requirements
 - ii. Construction Permit FAR worksheet
 - iii. Basement/cellar worksheet, for both existing and proposed structures, if applicable
 - iv. Half-story/FAR worksheet, for both existing and proposed structures, if applicable

NOTE: You may submit one set of documents for review, and submit the remaining copies after making any additions or changes that may be deemed necessary by the board attorney in order for the application to be considered complete. Your hearing may not be scheduled before your application is deemed complete.

3. **NOTICE OF HEARING TO PROPERTY OWNERS.** The applicant will find attached the following items:
 - A. "Request for list of property owners within 200 feet" (Please note that this list can take up to 7 days to process.) Please submit with your application a map showing the properties within 200 feet.
 - B. **Suggested notice of hearing**, for service to homeowners within 200 feet, and for publication. You must serve the property owners with a copy of the notice of hearing, and obtain a receipt, not less than 10 days (not including the date of the hearing) before the hearing by:

- i. Giving a copy personally, or by certified mail
- ii. If a partnership, by serving any partner
- iii. If a corporation, by serving any officer

If your property is located within 200 feet of an adjoining municipality, you must also serve the notice on the clerk of such municipality and on the Essex County Planning Board, 900 Bloomfield Avenue, Verona, NJ 07044. Notice must also be given to the Essex County Planning Board if your property is adjacent to a County road (such as Roseland Avenue and Runnymede Road) or if your property adjoins county land (such as Grover Cleveland Park).

C. Affidavit for Proof of Service *(to be notarized when complete)*

You must submit a notarized Affidavit of Proof of Service to the Board Attorney at least 2 days BEFORE the public hearing.

4. **LEGAL ADVERTISEMENT.** Variance applications require a public hearing; therefore, a legal advertisement must be published in an official newspaper ("The Progress" or "The Star Ledger") not less than 10 days prior to the public hearing date. (You may use the same notice of hearing as used for the service of property owners.) When submitting your application, complete all sections of the notice except the hearing date, which will be supplied to you at a later date by the board attorney. Remember to add the hearing date, however, before advertising the hearing or notifying property owners.

A notarized Affidavit for Proof of Publication, which is provided by the newspaper, is also required to be submitted to the Board attorney prior to the hearing.

PLEASE PLAN CAREFULLY TO AVOID MISSING PUBLICATION AND NOTIFICATION DEADLINES!

5. **FEES.** Applicable fees as determined by the Borough Clerk.

There is a \$2,000 initial escrow deposit to cover professional review of your application by the Board attorney and other professionals, as required. You may be required to provide additional funds depending on the nature of your application. (See Chapter 16.16.080 of the municipal code for further details on this requirement.) Any unused funds will be returned to the applicant after attorney approval.

6. An on-site inspection may be conducted by Board members.

For questions about worksheets, procedures, etc., please consult the zoning official at (973) 226-3400.