

Public Hearing Procedures Of the Township of Mahwah Zoning Board

Welcome to a public hearing of your Zoning Board! We are glad that you are here and we hope to benefit from your attendance and your input. This page outlines the procedures which the law requires us to follow.

Our printed agenda is available before all our meetings. Frequently public hearings will not be completed at one meeting and will be carried to a future meeting, so note this carefully because notice in writing will not be repeated. To confirm a continuation or rescheduling, call the Board office during work hours.

PROCEDURES:

A hearing is similar to a court proceeding. The chairman runs the meeting as a judge might and the Board is comparable to a jury who will vote on a final decision. The applicant provides testimony themselves and by other witnesses that they may wish to call to support the application.

The applicant also has the right to cross-examine any objectors, so statements should be supportable, not hearsay such as petitions and wishes.

A record of the meeting is tape recorded, so when you speak, do so slowly and loudly. All witnesses must state their names and spell them and their addresses. Only the chairman may decide who speaks at a given time.

DOCKETS:

When a docket is called by the chairman, the applicant comes forward, introduces himself, gets sworn in and then explains the nature of his application. He will then give testimony and if there are witnesses they also will be sworn in and give testimony. If the applicant is represented by an attorney he will follow as the attorney directs.

Following the testimony of each witness, the Board will ask questions and seek clarifications needed for an informed vote. The chairman will then ask if there are any questions from the public of the witness. This will take place after each witness. This time is only for questions.

If you have a question, raise your hand. When the chairman calls on you, please stand, go to the microphone, state your name and address and ask your questions.

After all testimony has been given, and all witnesses have been heard, and all questions have been asked, the chairman will ask the public if they have any comments or statements to make either pro or con regarding the application. At this time, if you have any comments, you become a witness and you must be sworn in. When you are recognized by the chairman, come forward to be sworn in, then to the microphone, state your name and spell it, and your address. Then you may make your statement or comments.

The chairman has the right to close the public portion of a hearing if he feels that the audience is unruly or is making comments that are not relevant to the case. He may also limit an individual's time in order to give adequate time to others. When you follow the above procedure, your input will have maximum impact on the Board's deliberations.

The Board votes on an application during a work session, either the same evening, if there is time, or at a subsequent meeting. This will be announced at the close of the application.

We hope that your evening, and the part you play in it, will be effective and satisfying, and we thank you for coming out and participating in this democratic process.

All members of the Zoning Board of Adjustment are appointed by the Town Council and serve in the public interest without compensation.

George Cimis, Chairman
Mahwah Zoning Board of Adjustment

**BOARD OF ADJUSTMENT
TOWNSHIP OF MAHWAH
APPLICATION FEE SCHEDULE**

1. a) **APPEAL - \$300.00 - Appeals from the decision of the Building Inspector or Zoning Officer or other official as per NJSA 40:55D-70 (a)**

b) **INTERPRETATION - \$300.00 - Requests a special exception, interpretation or other decision specifically authorized by Ordinance as per NJSA 40:55D-70 (b)**

c) **VARIANCE - \$150.00 each, maximum \$750.00 - Dimensional variance as per NJSA 40:55D-70 (c)**

d) **VARIANCE- \$500.00 – Residential Use
\$1,000.00- Non Residential Use
Use Variance as per NJSA 40:55D-70 (d)**

2. a) **APPEAL- \$300.00 – Map Act Appeal as per NJSA 40:55D-72**

3. a) **APPLICATION FOR CERTIFICATE OF NON CONFORMITY
\$300.00**

b) **SPECIAL MEETING FEE (At Request of Applicant)
\$500.00**

c) **REQUEST FOR ZONING AMENDMENT
\$250.00**

d) **CONCEPT REVIEW (fee credited to future application for same site within two years)
\$250.00**

Revised by Ord. #1666
5/11/10

BOARD OF ADJUSTMENT
ESCROW FEE SCHEDULE

If the Administrative Officer determines during his/her review of the application of professional review and preparation of documents, including but not limited to engineering and planning review, are necessary, the Administrative Officer may require the applicant to establish an Escrow Account to cover the reasonable cost of the required professional review. The applicant shall deposit, forthwith upon demand, the following sums, to meet the estimate of cost of professional review and consultation, which funds shall be placed in an Escrow Account in accordance with the provision of Subsection 22-3.4(h) and/or 26.3.2(f). Upon resolution of the application, the applicant may request an accounting of escrow funds used, and any unused escrow funds shall be returned to the applicant.

Appeals N.J.S.A. 40:55D-70(a)	\$250.00
Interpretation N.J.S.A. 40:55D-70(b)	\$1,000.00
<u>Variances (one or more) N.J.S.A. 40:55D-70 (c)</u>	
-Residential (excluding existing single family residences)	\$500.00
-Non-Residential	\$1,000.00
Variances N.J.S.A. 40:55D-70(d)	\$2,000.00

Revised by Ord. #1666
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DOCKET NO. _____

PRESENTED: _____

FEES PAID:

APPL. \$ _____ DATE _____

ESCROW \$ _____ DATE _____

**BOARD OF ADJUSTMENT
TOWNSHIP OF MAHWAH
APPLICATION**

APPLICANT _____

- | | |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> A VARIANCE | <input type="checkbox"/> D VARIANCE |
| <input type="checkbox"/> B VARIANCE | <input type="checkbox"/> E VARIANCE |
| <input type="checkbox"/> C VARIANCE | |

1. Applicant's full name, address and telephone: _____

2. Street address of site: _____

Lot _____ Block _____ Tax Map Sheet No. _____

3. The premises are situated on the (East) (West) (North) (South) side of
_____ street approximately _____ feet from
the intersection of _____.

4. The premises are located in the following zone: _____

5. Owner's name, address and telephone: _____

6. Relationship of applicant to owner (i.e. Tenant, Agent, Contract Purchaser, Other):

7. Legal Counsel, name address and telephone: _____

The present use of the premises is: _____

9. The purpose of this application is to permit the erection, alteration, extension or use
described as follows: _____

10. List **ALL** Ordinances involved in this application from which variances are requested. State type of variance requested with specific Code section or Ordinance No.

11. The dimensions of the property are: _____ containing _____ square feet or _____ acres, and contain the following structures: _____

12. Dimensions or size of proposed building or use: _____

13. Setbacks of building(s), structure(s) or use: Front: _____ Rear: _____
Left Side: _____ Right Side: _____

14. Date property acquired: _____. Prevailing zoning at the time of acquisition: _____

15. Have there been any previous appeals, requests or applications to this or any other Township Board or a Construction Official involving these premises? Yes ___ No ___

If yes, state the nature, date and disposition of said matter and attach copies of any decision, resolutions or approvals: _____

16. What are the exceptional conditions of the property preventing applicant from complying with the Zoning Ordinance requirements?

17. Supply a statement of facts showing why relief 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: _____

18. Does applicant or owner own any property which adjoins the premises which are the subject of this application? _____

If so, clearly indicate such premises on the map called for in Item #20.

ADDITIONAL INFORMATION & SCHEDULE TO BE ATTACHED

19. All applicants must attach to this application a schedule showing the following information (if applicable):

- A. Type of construction
- B. Description of any deed restrictions or easements affecting this property.
- C. Photograph(s) of land and buildings involved in this application.
- D. Names and Addresses of all expert witnesses proposed to be called and estimate of time to present case.
- E. Proof of payment of all taxes due and owing on the site.
- F. Payment of Application Fees and Escrow.

20. Attach a Key Map or scale drawing (photocopy of Tax Map) showing streets, lots and structures within 200 feet of applicant's lot with dimensions from applicant's lot lines. On each of said lots show block and lot number and owner's name. Show any municipal boundaries and identify them as such. Attach floor plan, if applicable.

21. Attach a survey, plot plan or accurately scaled drawing showing applicant's lot (not less than 1" = 100') showing metes and bounds, lot width and depth, present and proposed structures with dimensions to the nearest lot lines. Show the location of wells, septic systems, drainage ditches, easements and any other outstanding features. Show total square foot area of lot. All existing and proposed signs must be located and shown with dimensions of each.

22. Attach a copy of any contract or agreement relating to this application or property.

23. If the applicant is a corporation or partnership, the names and addresses of all stockholders or partners owning a 10% or greater interest in said corporation or partnership shall be set forth below in accordance with P.L. 1977 Ch. 336. All Corporations must be represented by an attorney.

24. **APPLICANTS MUST SUBMIT FOURTEEN (14) COPIES OF ALL ITEMS REQUIRED. ALL PLANS MUST BE FOLDED.**

and that he/she is the record owner of the premises which are the subject of this application and hereby authorizes _____ who is (tenant, contract purchaser, other) _____ to make the within application. Owner further agrees that he/she will be responsible for any fees, costs or escrow amounts due, unpaid and/or delinquent which the applicant fails to pay. Owner further acknowledges that the Municipality may place a lien on the property for unpaid fees, escrows and costs in accordance with the Escrow Ordinance of the Township of Mahwah.

Owner

Sworn and subscribed to before me
This day of , 200

A Notary Public of New Jersey
An Attorney at Law of New Jersey

AFFIDAVIT OF SERVICE

State of New Jersey:

s

County of Bergen:

s

_____ of full age, being duly sworn according to law, on his oath deposes and says that he resides at _____ in the (municipality) _____ of _____ County of _____, and State of _____ and that he 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 Docket # _____ 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 what is applicable)

- 1. The Clerk of the (municipality) of
- 2. County Planning Board
- 3. Director of the Division of State & Regional Planning
- 4. Department of Transportation
- 5. 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 Township of Mahwah, which is marked "Exhibit C".

There is also attached a copy of the proof of publication of notice in the official newspaper of the Township of Mahwah which is marked "Exhibit D".

(Signature of Applicant)

Sworn and subscribed to
Before me this _____
day of _____
20 _____.

**MAHWAH ZONING BOARD OF ADJUSTMENT
APPLICATION SUBMISSION CHECKLIST**

DOCKET NO. _____

APPLICANT _____

	YES	NO
1. Appropriate Application Fees and Escrow Deposits	_____	_____
SUBMIT 14 COPIES OF THE FOLLOWING:		
2. Completed Application Form	_____	_____
3. A. Applicant's Affidavit signed by applicant and notarized	_____	_____
B. Owner's Affidavit signed by owner and notarized	_____	_____
4. Key Map or Tax Map Sheet		
A. Show Block, Lot, Zone, Municipal Boundary, Streets within 200 Ft. of subject property	_____	_____
B. Structures with Dimensions and Dimensions to nearest lot line	_____	_____
5. Survey of Applicant's Lot		
A. Lot Area (sq. ft.) width and depth	_____	_____
B. Present (solid lines) and proposed (dash lines) Structures with Dimensions and Dimensions to nearest lot line.	_____	_____
C. Location of Well, Septic System, Drainage Ditches, Easements and other outstanding features	_____	_____
6. Floor Plan	_____	_____
7. Attach Statement setting forth reasons you feel justify granting the variance	_____	_____
8. Attach Verification of Taxes Paid	_____	_____

If application for site plan or subdivision approval is made concurrent with an application for a "D" Variance, separate application for same must accompany the variance application. SITE PLAN AND "D" VARIANCE APPLICATIONS REQUIRE 18 COPIES.

ALL PLANS MUST BE FOLDED

() COMPLETE () INCOMPLETE

Mara Winokur
Administrative Officer

DATE

UNDER THE NEW ESCROW ACCOUNTING LAW, THE TOWNSHIP PROFESSIONALS MUST SEND TO EACH APPLICANT AN INFORMAL COPY OF ALL VOUCHERS FOR THEIR PROJECT SUBMITTED TO THE TOWNSHIP. THIS IS TO BE DONE ON A MONTHLY BASIS.

PLEASE INDICATE IN THE SPACE BELOW THE NAME AND ADDRESS OF THE PERSON YOU WANT COPIES OF THE MONTHLY CHARGES BY THE TOWNSHIP PROFESSIONALS SENT TO.

DOCKET NO. _____

NAME _____

ADDRESS _____

OUTLINE FOR NOTICE TO BE PUBLISHED IN OFFICIAL NEWSPAPER

**TOWNSHIP OF MAHWAH
ZONING BOARD OF ADJUSTMENT**

PLEASE TAKE NOTICE that (applicant's name) has made application to the Mahwah Board of Adjustment and the hearing will be held on the _____day _____, 200 , at (place of hearing, address and time). The application is for (describe variances and waivers requested) for premises located at: (address, block, lot (s) and tax map page).

The application and related maps and papers are on file and available for inspection at the Board of Adjustment Office, 475 Corporate Drive, Mahwah, N.J. 07430 during normal business hours.

Any interested party may appear at the scheduled hearing.

(Name of Applicant)



Township of Mahwah
Municipal Offices: 475 Corporate Drive
P.O. Box 733 Mahwah, NJ 07430
Tel 201-529-5757 Fax 201-512-0537

Board of Adjustment ex 243
Board ex 245

Zoning/Planning

HISTORIC PRESERVATION COMMISSION

This Data Sheet is to provide known information to the TOWNSHIP OF MAHWAH HISTORIC PRESERVATION COMMISSION for use in reviewing and formulating recommendations to the Township on the subject application plan. The applicant is requested to fill in as much detail and to provide as much additional information as possible.

TITLE BLOCK

PROJECT NAME: _____ > PREPARED FOR: _____

TYPE OF PLAN: SITE SUBDIVISION > REGISTERED OWNER:
(CIRCLE)

OTHER _____ > ADDRESS: _____

Municipality: MAHWAH > PLAN PREPARED BY: _____

County: BERGEN _____

State: NEW JERSEY > SCALE: _____

NAME OF APPLICANT/OWNER/REPRESENTATIVE
PREPARING THIS FORM: _____

TITLE: _____
(HISTORIC PRESERVATION COMMISSION USE ONLY)

REVIEW BLOCK:

DATE OF ORIGINAL PLAN: _____ HISTORIC SITE ON PROPERTY?
NO _____ YES _____

REVISION DATES REVIEWED: _____

DATES OF COMMISSION REVIEWS: _____

BACKGROUND & SITE DESCRIPTION:

LIST ALL OFFICIALLY DESIGNATED HISTORIC SITES ON THE SUBJECT PROPERTY, IF KNOWN, AND INDICATE WHETHER THEY ARE CURRENTLY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES (NRHP), AND/OR THE NEW JERSEY REGISTER(NJR), AND/OR THE MAHWAH REGISTER (MHSR).

LIST AND BRIEFLY DESCRIBE ALL NON-DESIGNATED STRUCTURES OR FEATURES ON THE SITE THAT ARE ESTIMATED TO BE FIFTY YEARS OF AGE OR OLDER.

EXAMPLES: BUILDINGS; FOUNDATION RUINS; WALLS; HAND-DUG WELLS; FISH WIERS; INDIAN SITES; CEMETERY SITES; ROADS OR TRAILS OF ANCIENT ORIGIN; STREAMS; PONDS OR OTHER WATER COURSES; ANY OTHER FEATURES THAT MIGHT BE OF HISTORIC INTEREST.

NAME AND BRIEFLY IDENTIFY, IF KNOWN, PROMINENT FORMER OF PRESENT OWNERS, RESIDENTS OR VISITORS:

LIST AND BRIEFLY DESCRIBE, IF KNOWN, ANY HISTORIC FEATURES OR SITES ON ADJACENT PROPERTIES, OR WITHIN 200' OR THE SUBJECT BOUNDARIES:

ALL INFORMATION PROVIDED BY THE UNDERSIGNED IS DEEMED BY THAT PERSON TO BE ACCURATE AND COMPLETE TO THE BEST OF THE UNDERSIGNES'S KNOWLEDGE AND BELIEF.

APPLICANT/OWNER OR AUTHORIZED
REPRESENTATIVE

DATE



Township of Mahwah
Municipal Offices: 475 Corporate Drive
P.O. Box 733 Mahwah, NJ 07430
Tel 201-529-5757 Fax 201-512-0537

Board of Adjustment ex 243
Board ex 245

Zoning/Planning

DATE: _____

____ BOARD OF ADJUSTMENT

____ PLANNING BOARD

VERIFICATION OF TAXES PAID

Pursuant to the Municipal Land Use Law:

This is to certify that taxes for the year(s) _____

are paid through the _____ Quarter:

BLOCK _____ LOT(S) _____

Qualifier _____

OWNER OF RECORD: _____

PROPERTY LOCATION: _____

Elizabeth M. Villano, CTC
Tax Collector