

**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**

REVISED 1/6/10

- 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 (attached please find resolution of meeting dates for 2010.)
 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 8:00 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 10:30 p.m., and no additional testimony will be taken after 11:00 p.m.

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 non-conforming 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 board 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

Signature of Owner

Print Name

(To be submitted with Application Form 1)

**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 8:00 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.

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 designed as Lot(s) _____ in Block _____
as shown on the Tax Map of said Township.

Sworn to and subscribed before _____
me this _____ day of _____, _____
20_____. (Owner to sign here) or (Company Name)

_____ By: _____
A Notary Public of New Jersey

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: _____

