



Joint Planning Board
 Borough of Demarest
 118 Serpentine Road
 Demarest, NJ 07627

Received Date:
Completeness Date:
Action by Date:

VARIANCE APPLICATION

Section 1: Project Summary

File No. _____

1A. Property Information			
Property Address			
Block and Lot	B:	L:	Qual:
Zone			
Principal Use			

1B. Contacts	Owner	Applicant
Name		
Address		
Phone #		
Email		

1C. "C Variances" Requested	Requested	Town Requirement
Improved Lot Coverage	%	%
Building Coverage	%	%
Residential & Parking Coverage	%	%
Setback-Front(s)		Ft
Setback-Rear		Ft
Setback-Side(s)		Ft
Other(s) - <i>list all</i>		

1D. "D Variances" Requested		
D (1) – Use		
D (2) – Expansion of a Nonconforming Use		
D (3) - Conditional Use		
D (4) – FAR / Livable Floor Area		%
D (6) – Height (10ft or 10%)		Ft

1E. Project Description:



Section 2: Zoning Analysis

ZONE: _____

2A. Property Description – Including Setbacks, Frontage, Size & Depth

Lot & Building Zoning	i. Required	ii. Existing	iii. Proposed	Variance Requested (Yes / No)
1. Lot Area Square Feet (sq.ft.)				
2. Lot Frontage				
3. Lot Depth				
4. Setback-Front Yard				
5. Setback-Front Yard 2 (if applicable)				
6. Setback-Rear Yard				
7. Setback-Side Yard (Left)				
8. Setback-Side Yard (Right)				
9. Principal Building Height				

2B. Maximum Coverages – Including Building, Livable Floor Area, Lot Coverage and Building + Parking

Maximum Permitted	i. Required	ii. Existing	iii. Proposed	Variance Requested (Yes / No)
1a. Building Coverage (%)				
1b. Building Coverage (sf)				
2a. Livable Floor Area (%)				
2b. Livable Floor Area (sf)				
3a. Improved Lot Coverage (%)				
3b. Improved Lot Coverage (sf)				
4a. Residential & Parking (%)				
4b. Residential & Parking (sf)				

2C. Livable Floor Area Summary

	Floor 1	Floor 2	Floor 3	Basement*	Other	Other
Total Square Feet (sq.ft.)						
Total Sq. Ft						
Percentage of Lot (%)						

*Include basement in the calculations only if 30% or more of your basement is above the average grade (an average of a natural grade adjacent to the perimeter of a building measured at points ten (10) feet apart starting at the lowest elevation) **



Section 3. Accessory Calculations

- A. Improved Lot Coverage: The part of the site that is covered by buildings or accessory buildings; impervious or pervious surfaces; and any other structures or impervious surfaces.
- B. Building Coverage: The percentage of the plot or lot area covered by the principal building and accessory building(s).
- C. Setback(s): The required distance between a building or structure and a property line.
- D. Floor Area Ratio (FAR) / Livable Floor Area: The aggregate of all floors included within the outer walls of the building, excluding basements, garages and other unheated areas and including only such floor area under a sloping ceiling for which the headroom is not less than five (5) feet six (6) inches and then only if at least seventy-five percent (75%) of such floor area has a ceiling height of net less than seven (7) feet, six (6) inches and if any such floor that is situated above another story has access to the floor by a permanent, built-in stairway and has a permanent complete floor and a means of heating to seventy-five degrees Fahrenheit (75F) at all times.

Square Feet (sq.ft.)	3A. Improved Lot Coverage		3B. Building Coverage		3C. Side Set Back	3C. Rear Set Back
	Existing	Proposed	Existing	Proposed	Proposed	Proposed
Building						
Detached Garage						
Driveway						
Covered Patio						
Patio						
Deck						
Shed						
Front Walkway						
Side Walkway						
Rear Walkway						
Retaining Wall(s)						
AC & Generator Pads						
Swimming Pool						
Sports Court						
Other						
Other						
Other						
Other						
Other						
Total Sq. Ft.						
% of Total Lot Area						



Section 4. Site & Building Information

A. Describe the proposed construction:

B. Describe the current use of buildings on the property:

C. Describe any existing deed restrictions or easements on property if any; these include but are not limited to storm drains, sidewalk, open space, streams, brooks, etc. Please provide copies of these documents as well.

D. Is the lot or the building non-conforming to the Demarest Zoning Ordinance or any other Borough Ordinance? If so, please describe.

E. Has a variance been previously granted or denied on the subject property? If so, please describe what it is and when it was issued. Please provide copies of these documents as well.

F. Will there be significant changes being made to the land of the property itself (such as the removal or replacement of dirt, change in grade, removal of trees)?

I, being of full age, hereby swear that all the information I have provided in the above application and the attached survey and / or plans are true and correct to the best of my knowledge.

Print Name of Applicant

Signature

Date



Section 5. Environmental Questionnaire

If any of the following questions are answered YES or OTHER, explain briefly on a separate clearly labeled document.

- A. Describe any adjacent environmental areas to the property – including any creeks, rivers, ponds, environmentally protected areas, riparian zones, etc.
-
- B. Is the site located in or adjacent to a wetlands area? YES | NO
- C. Does the new project require the removal of any trees of four (4) inch diameter at a height of six (6) inches above ground level? YES | NO
- D. On the site plan, state how many, the species, and location of the trees on site. If it is a woodland area, give area and tree density.
-
- E. Does the new project require the removal of ornamental shrubs? YES | NO
- G. Does the applicant plan to relocate the trees and shrubs of item 3 and 4? YES | NO
- H. Does the new project require the alteration, channelization or relocation of any water course? YES | NO
- H. Will the project introduce any change in the quality of present storm water runoff? Include any changes in nonporous surface due to the project. YES | NO
- I. Will the project require directing surface drainage into a water course? YES | NO
- J. Will the project have any impact on Borough Services presently provided, such as: Police, fire, public works, schools, public sewers, etc.? YES | NO
- K. Will any required excavation for the project penetrate the high-water table in existence at the site? YES | NO
- L. Will the project interfere or change the high-water table at the site or its surroundings due to change in drainage? YES | NO
- M. Will the project require any special foundation provisions such as: pile, spread footing supports, etc.? YES | NO
- N. Will the operation of the project increase local vehicular traffic? YES | NO
- O. Will the operation of the project increase local air pollution? YES | NO
- P. Will the operation of the project exceed the existing noise level? YES | NO
- Q. Will the operation of the project exceed standard noise code levels? YES | NO
- R. Will the operation of the project increase the present light intensity levels? YES | NO
- S. Will the operation of the project produce odors? YES | NO
- T. Will the project impact on, or be in violation of the Demarest Master Plan and/or current zoning in the area? YES | NO
- U. Is the area of the project currently served by public utilities such as: electric, gas, water? YES | NO
- V. Has the site of the project ever been used for storage and disposal of hazardous materials or toxic substances or dangerous chemicals? YES | NO

****Please clearly label using section and question letter all attached sheets explaining the above answers.**



Section 6: Representatives' Contact Information

6A. Legal Representative Contact Info	
Contact & Business Name	
Address	
Phone	
Email	

6B. Engineer Contact Info	
Contact & Business Name	
Address	
Phone	
Email	

6C. Planner Contact Info	
Contact & Business Name	
Address	
Phone	
Email	

6D. Architect Contact Info	
Contact & Business Name	
Address	
Phone	
Email	

6E. Other	
Contact & Business Name	
Address	
Phone	
Email	



Section 7: Fee Schedule

For your application to be considered, you must remit both an application fee and an escrow amount that will be used towards the costs of evaluating your application.

You will need to bring **TWO (2)** checks to pay for the application fees and a separate check to pay for the escrow and the total fees will be calculated by the Board Secretary.

Note:

- Application fees are non-refundable
- Escrow amounts will be held on deposit by the Borough of Demarest in an account to pay for any costs associated with reviewing the application. Escrow monies will be returned upon **written request**, after confirming all bills relating to borough professional review have been paid. Please note that all work related to the application will cease to continue once this request is made, however any outstanding professional fees incurred up to this point in time will still need to be paid for with funds on deposit prior to a refund.

TABLE 1: FEE SCHEDULE

Fixed Fee	Application Fee	Escrow Deposit
A or B Variance Pursuant to NJSA 40:55D-70a or b	\$200	\$2,500
Conditional Use	\$500	\$5,000
Variable Fee	Application Fee	Escrow Deposit
C Variance Pursuant to NJSA 40:55D-70C	\$250 for the 1 st C Variance + \$100 for each subsequent C variance requested	\$2,500 for the 1 st C Variance + \$250 for each subsequent C variance requested
D Variance Pursuant to NJSA 40:55D-70D	\$500 per D variance	\$3,000 for the 1 st D Variance + \$1,000 for each subsequent D variance requested



Section 8: Instructions for Submitting Your Application

A. Submitting Your Application

Please fill out this application in its entirety and submit to the Secretary for the Joint Planning Board. Remember to bring your 2 checks to pay the non-refundable application fee and escrow deposit (in accordance with the Fee Schedule in Section 7).

For your application to be considered “Complete” – the following must be provided

TABLE 2: VARIANCE APPLICATION CHECKLIST

To be submitted at time of filing your application	
1.	Completed Variance Application
2.	Application Fees (Section 7-Fee Schedule)
3.	Escrow Deposit (Section 7-Fee Schedule)
4.	W-9 Form
5.	5x Current & Accurate Singed & Sealed Survey
6.	5x All Signed & Sealed Plans (including build specific plans, ex. Lighting plans if applicable)
7.	Digital Copies of all Forms and Plans (including build specific plans, ex. Lighting plans if applicable)
8.	Signed and dated proof of current taxes from the Tax Collector (Section 9)
9.	Proof of Ownership and an Affidavit of Representation

B. Making a Determination of Application “Completeness” & Scheduling Your Hearing

Once the Board Secretary makes a notice of “Completeness” determination for your application indicating that all required information and fees have been submitted – they will notify you of such and schedule a review of your application in front of the Joint Planning Board at one of their upcoming Board Meetings (“Hearing”). Please note that Board Meetings take place on the 1st Wednesday of each month and begin at 7:30 in the evenings. You or your representative is required to attend these meetings to present your application and defend the need for a variance.

Once a hearing date has been assigned, you should work to obtain a list of properties located within 200 feet of your project location. This information can be obtained from the Tax Assessor. A form for requesting this information from the Tax Assessor can be found in Section 10. These homes and businesses must be sent a Notice of your Application via **Certified Mail** (postage receipts must be provided to the Board Secretary) or delivered by hand with an affidavit of service filled out to be submitted to the Board Secretary. An example of what should go in these notices is provided as “Section 11” and **must be mailed or delivered at least ten (10) days prior to and NOT including the meeting date.**

If your application has been included on the agenda for an upcoming Board Meeting, you will be required to bring additional documentation to support your application to the Board Secretary at least 15 days prior to the scheduled meeting. Fifteen days prior to the board meetings are typically the 3rd Tuesday of the month at 7:30pm. All applicants are also required to follow the rules and regulations stipulated in the Municipal Land Use Law (40:55D-1).



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Variance Application

C. Important Noticing Requirements

Please ensure that you publish NOTICE of HEARING with a detailed description of the requested variance in The Bergen Record newspaper.

It is important that you follow the public noticing requirements and ensure that the notice appears in the newspaper at least **at least ten (10) days prior to and not including the meeting date.**

Please contact the Bergen Record newspaper directly for their publication deadlines at (732) 643-2534 (OPTION #5).

Proof of publication of this notice of public hearing received from the individual newspaper MUST be submitted to the Board Secretary as soon as it is received. **If your notice does not appear 10 days prior to the meeting date, your hearing will be rescheduled.**

TABLE 3: Public Notice Proofs to be Submitted 10 Days Prior to Your Hearing

To be submitted <u>10 days</u> prior to your scheduled hearing	
1.	Green USPS Certified Receipts or Affidavit of Service of Notice (for hand delivered notices)
2.	Affidavit of Public Notice from "The Bergen Record"

D. Printed & Required Documentation for Board Meeting to be Submitted 15 Days Prior to Your Hearing

Please note that while the Board appreciates the large format architectural and engineering plans. It is the preference of this Board to review these plans on 24"x36" (11) and 30"x42"(4) documents.

To support your application and to provide the Board with a general sense of the site and property conditions of your project, we ask that you please **print and submit the following documentation to the Board Secretary at least 15 Days Prior to your hearing.**

All documents submitted by professionals (ie. engineering, architectural, surveyor, landscape) should include the following:

- i. Title block that includes the name of the applicant and owner, name of the preparer, block and lot numbers and the date the document was prepared
- ii. A compass rose with North clearly delineated
- iii. Zoning district in which parcel is located
- iv. Location of all existing buildings and structures (including fences and retaining walls)
- v. Scale of map (written and graphic)
- vi. All existing and proposed impervious surfaces should be shown
- vii. All existing and proposed easements or rights-of-way
- viii. Landscaping and/or lighting plans
- ix. Proposed stormwater management measures (if applicable)
- x. Existing and proposed contours to determine the natural drainage of the land

Please note that all plans prepared by your professionals should try to follow the same cardinal orientation so that when the plans are viewed, they illustrate the property and roads in the same general orientation (when possible).



Depending on your requested variance, the Board typically reviews the following professional documents:

1. **Topographical Survey:** completed in the last 9 months, sealed and signed by a licensed NJ professional
2. **Site Plan:** Clearly identify the location of existing buildings and structures, including fences, retaining walls and improved coverage. The site plan should outline the proposed changes to the site, all existing easements, proposed stormwater management measures (if applicable),
3. **Architectural Building Elevations** (Front, Rear, Side Left, Side Right) that provide a general idea of the appearance of the existing structures and proposed construction – to include dimensions.
4. **Landscaping Plan** that provides an overview of the lighting and landscaping proposed for the property.
5. **Photographic Evidence** a recent photo of the property illustrating current conditions; photos of neighboring properties, other developments or conditions, etc. would be helpful but are not required. These can be presented at the hearings as Exhibits.

TABLE 4: MINIMUM REQUIRED BOARD MEETING DOCUMENTS TO BE HANDED IN

To be submitted <u>15 days prior</u> to your scheduled hearing	
1.	Bring 15 printed copies of each of the following a) Completed Variance Application; b) Denial Letter from Zoning Officer; c) Current & Accurate Survey d) A recent photo of the property showing current conditions (or if already under construction, anything to demonstrate the prior conditions at the property) e) All Plans (preferably 18"x24" (11) and 30"x42" (4))
2.	Tax certification (approved within 3 months)
3.	Copies of all Notices

E. Witnesses & Letters of Support

While it is not required, it would be helpful to have in-person support testimony from adjoining neighbors most impacted by your variance request. Written letters of support are not admissible as evidence.

F. Legal Representation

If your property is owned by a corporation or a multiple member Limited Liability Company (LLC) (ie. with 2 or more partners), then legal representation is required.

If you are a sole proprietorship LLC (e.g. single-member LLC) or if the property is owned by an individual(s), then legal representation is not required. However, you may want to consider retaining an attorney to represent you and/or to engage expert witnesses (e.g. professional engineer, architect, planner) to testify on your behalf at the hearing.

G. Non-conforming lot

If your application concerns development of a lot deficient for its zone ("Undersized Lot"), you should submit evidence that you tried to make the lot conforming by requesting to purchase any available land from adjoining neighbors, which would not then render their property non-conforming.



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Variance Application

SECTION 9: FORM REQUESTING PROPERTY TAX CERTIFICATION
DEPARTMENT OF FINANCE - OFFICE OF THE TAX COLLECTOR

DATE					
OWNER					
ADDRESS					
BLOCK		LOT		QUAL.	

Below Line for Borough Use Only

Date: _____
I, _____ Tax Collector of the Borough of Demarest, hereby certify that the property taxes on the property known as, Block (s) _____, Lot (s) _____, as shown on the Borough Tax Assessment Maps, have been paid through _____ and that the taxes on the aforementioned property are not past due nor are there any penalties, assessments, or interest due or outstanding as of this date.
_____ Signature of Tax Collector

Please contact the Borough's Tax Office with any questions. Andrea Johe, Deputy Tax Collector, via phone (201) 768-0167 x 142, or by email ajohe@demarestnj.gov

§ 27-32 Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and N.J.S.A. 40:55D-65, every application for development submitted to the Planning Board or to the Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.



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Variance Application

SECTION 10: FORM REQUESTING LIST OF PROPERTIES LOCATED WITHIN 200 FEET**

TAX ASSESSOR

OWNER			
ADDRESS			
BLOCK		LOT	
FEE		CHECK #	
EMAIL CONTACT			
PHONE # (IF PICKUP)			

** Please allow the Tax Assessor one (1) week to prepare the list **

Applicant's Signature _____

Date _____

I understand that if the application is not deemed complete and placed on the agenda within 3 months, a new tax certification and 200-foot list will be required. This is to maintain up to date information in the application, as well as an accurate notice to surrounding neighbors and properties. I will re-submit this request form should that become necessary. _____ (Initial)

Please contact the Borough Tax Assessor's Office with any questions. Lee Campbell, Tax Assessor's Assistant, via phone (201) 768-0167 x 130, or by email

lcambell@demarestnj.gov

Below Line for Borough Use Only

Date Request Filled _____

By _____
Signature

§ 27-29 List of property owners furnished.

Upon the written request of an applicant, the Tax Assessor shall, within seven days, make and certify a list from the current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to § 27-28 of this chapter. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed \$0.25 per name or \$10, whichever is greater, may be charged for such list.



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Variance Application

SECTION 11 – SAMPLE NOTICE OF HEARING

NOTICE OF HEARING
BOROUGH OF DEMAREST
JOINT PLANNING BOARD

VARIANCES REQUESTED: **[What is the relief requested?]**

ADDRESS OF PROPERTY REQUESTING VARIANCE: xxx Street, Demarest, NJ
07627

This is to notify that the undersigned owners of Block ____, Lot ____, known as _____, on the Borough Tax Assessment Map shall appear before the Joint Planning Board of the Borough of Demarest on _____ at 7:30 pm, in the Council Chambers of the Borough Hall, 118 Serpentine Road, Demarest, NJ 07627, for the purpose of seeking **(relief sought)** and any other variances that should become apparent in the course of testimony. The purpose of this Notice is to afford the public, if they so desire, to appear before the said Joint Planning Board at the time and place designated above for the purpose of being heard with respect to this application. All documents and maps relevant to this application are on file in the Borough Clerk's Office Monday through Friday (excluding legal holidays) from 8:00 am to 4:30 pm.

(Owners)
Street Address
Demarest, NJ 07627

**** This Notice is a sample only and should not be used verbatim to notice either newspaper or property owners.**

