



BOROUGH OF RINGWOOD

PLANNING OFFICE

Phone: 973-475-7131

e-mail: awinkler@ringwoodnj.net

RINGWOOD ZONING BOARD OF ADJUSTMENT VARIANCE APPLICATION INSTRUCTIONS

The following items are required for submission to the Board:

1. Application for variance from the requirements of the Zoning Ordinance of the Borough of Ringwood, New Jersey.
2. 15 copies of the survey with the proposed improvement shown together with dimensions.
3. 15 copies of drawings of the proposed improvement.
4. A copy of the deed to the property in question.
5. A check in the amount of \$260.00 made payable to the Borough of Ringwood which covers the application fee and the fee for the certified list of property owners.
6. A variance graph on which you should indicate what variance is required.
7. Application for Certified List of Property Owners.
8. Tax and Assessment Certification with only block and lot completed.
9. Affidavit and Proof of Service form.

*Applications received from someone other than the property owner must complete the Affidavit of Ownership.

No application will be heard unless the Board has received a complete application.

If you require any assistance in completing this application, please contact Allison Winkler at 973-475-7131.

Once the completed application and accompanying documents have been submitted to the Planning Office at 60 Margaret King Avenue, Ringwood, the following sequence of activity will follow:

1. The application will be reviewed for completeness. If the application is deemed to be incomplete, you will be notified of the application deficiencies and it is up to you, as the applicant, to make any necessary corrections. If your application is deemed complete, you will be notified and given a hearing date.
2. The Tax Assessor's Office will send you:
 - (A) A Certified List of Property Owners.
 - (B) A copy of Notification.
 - (C) Instructions for Service Notification.

Notice of application is required to be provided to all property owners within 200 feet of the property in question **at least ten (10) days prior to the hearing date**, but not more than sixty (60) days prior to the hearing date. Notice is to be provided by either serving a copy of the notice to the property owner (a signature is required as proof of service), or by mailing a copy of the notice by certified mail to the property owner.

The applicant is required to advertise the public hearing date in the official newspaper of the municipality and to notify adjacent property owners. **The advertisement must appear at least ten (10) days prior to the meeting date and notices must be sent at least ten (10) days prior to the meeting date.** Proof of advertisement and notification to adjacent property owners must be provided to the Board secretary prior to the meeting date.

It is the responsibility of the applicant for proper processing of notices. Failure to provide timely notice, as required by law, will result in a rescheduling of your hearing date.

3. At the hearing, the Board chair will call for applicants to present their case, following the order of applications listed on the agenda. Each applicant, and any witnesses, will be questioned by the members of the Board. In addition, the Board chair will provide an opportunity to the public to make overall comments on the application.

4. You must present the Board with proof, in writing, that you have made an effort to purchase adjoining property where such purchase would bring the application into conformity with the existing ordinances. This requirement applies only where the adjoining property would remain in compliance with the Zoning ordinance after selling off part of its land to you. In the case where you are seeking a variance because your lot is undersized, in addition to acquiring land from your adjoining neighbors, you must also produce proof to the Board that you have attempted to sell your lot to the adjoining neighbors. Consult your attorney as to the exact legal requirements.

NOTES:

- I. Prior to the issuance of a building permit, the applicant must receive Health Department approval. It is recommended that every applicant confer with the Health Department to ensure that they meet Board of Health requirements prior to making an application to the Board of Adjustment.
2. You must still apply for all construction permits after receiving an approval. All conditions of approval must be complied with before permits can be issued.
3. Any variance that is granted is good for two (2) years. Ordinance 21-2.8 provides that the variance expires after two (2) years unless certain conditions are met.

Date: _____

Docket #: _____

BOARD OF ADJUSTMENT

**APPLICATION FOR VARIANCE FROM THE REQUIREMENTS OF
THE ZONING ORDINANCE OF THE BOROUGH OF RINGWOOD**

Application is hereby made for variance from the requirements of the Zoning Ordinance of the Borough of Ringwood to:

Erect }
Alter }
Extend } a _____
Use }

in accordance with plans or survey filed herewith.

Applicant _____ Address _____ Tel. _____

Owner _____ Address _____

Subject Property Address _____

Block _____ **Lot** _____ **Zone** _____ **E-mail** _____

If you are having an attorney represent you, please identify the attorney:

Name _____ Address _____

Telephone _____ Fax _____

Are there any covenants or deed restrictions applicable to the property? () Yes () No
If yes, state nature of same:

Have there been any previous applications(s) involving these premises:

() Yes () No () Unknown

Please state the type of variance desired, the amount of the variance requested and the reason for same:

I hereby swear and affirm that all the above statements and any statements or declarations contained within the papers submitted in support of this application are true.

Applicant's Signature

AFFIDAVIT OF OWNERSHIP
(TO BE COMPLETED IF APPLICANT IS NOT PROPERTY OWNER)

I, _____, hereby declare that I am the legal owner of said property and hereby grant permission for the applicant to apply for a variance for said property.

Owner's Signature

Sworn to before me this ___ day
of _____ 202 .

Notary Public

APPLICATION CHECKLIST

- () Completed application form signed by both property owner and applicant. If you are not the property owner, the owner's signature must be notarized
- () Variance Graph
- () Letter to Tax Collector
- () Copy of Deed
- () Application for Certified List of Property Owners
- () Required Fees
- () Fifteen (15) copies of drawing or sketch of the proposed improvement with dimensions.
- () Fifteen (15) copies of a recent plot plan or a survey of the applicant's property prepared by a licensed surveyor or engineer showing the following:

Applicant's Property:

- () Block and Lot Numbers
- () Street Address
- () Lot Dimensions
- () Exact Dimensions of Present and/or Proposed Structures
- () Dimensional Location of all Structures in relation to all other Structures and to Property lines
- () Location and Dimensions of any Easement and Purpose Thereof
- () Water Courses, Drainage Ditches

Adjoining Properties:

This information should be supplied by Applicant and may be handwritten.

- () Ownership
- () Street Address
- () Lot Dimensions
- () Location of all structures on adjoining properties, if any, including the approximate distance from Applicant's property lines.



BOROUGH OF RINGWOOD

OFFICE OF THE BOROUGH CLERK 973-962-7102

Date: _____ Application/Docket No. _____

**APPLICATION FOR CERTIFIED LIST OF PROPERTY OWNERS IN CONNECTION
WITH APPLICATION BEFORE () PLANNING BOARD () BOARD OF ADJUSTMENT**

STREET ADDRESS:

BLOCK..... LOT.....

OWNER..... APPLICANT.....

TELEPHONE NO..... EMAIL

MAIL LIST TO: NAME.....

ADDRESS.....

Receipt is hereby acknowledged of the sum of \$10.00 for a Certified List of Property Owners to be provided by the Tax Assessor of the Borough of Ringwood in connection with an application before the subject Board for the property indicated above.

Certified List of Property Owners shall be dated not more than 60 days prior to the date of notice of commencement of the public hearing on the application for development.

BOROUGH CLERK

c: Applicant
Tax Assessor
Clerk's File

**NOTE: THE APPLICANT MUST SPECIFY THE LOT AND BLOCK OF ANY
ADJACENT PARCEL OF PROPERTY IN COMMON OWNERSHIP**



BOROUGH OF RINGWOOD

PLANNING OFFICE Phone: 973-475-7131

TO: TAX COLLECTOR
BOROUGH OF RINGWOOD

RE: TAX AND ASSESSMENT CERTIFICATION

BLOCK _____ LOT NO. _____

DOCKET NO. _____

DATE:

I certify that:

- All taxes and assessments with the
Borough of Ringwood are current and paid
- Taxes and/or assessments are owed to the
Borough of Ringwood.

Certified By _____
Tax Collector

**ALL TAXES AND ASSESSMENTS MUST BE CURRENT BEFORE YOUR
APPLICATION WILL BE HEARD BY THE BOARD OF ADJUSTMENT**

AFFIDAVIT AND PROOF OF SERVICE

STATE OF NEW JERSEY

ss:

COUNTY OF PASSAIC

_____, of full age, being duly sworn according to law, deposes and says that (s)he resides at _____ in the Borough of Ringwood, County of Passaic and State of New Jersey, that (s)he is the applicant/owner in a proceeding before the Board of Adjustment, Borough of Ringwood, being an application under the Zoning Ordinance of the Borough of Ringwood, which relates to premises known as _____ Block____ Lot____ ; that (s)he gave notice of this proceeding to each and all the owners of property affected by said application within 200 feet on all sides of the property affected by this appeal in the following manner:

SEE ATTACHED LIST

DATE:

Applicant

Sworn to before me, this
_____ day of _____, 202 .

Notary Public

TO BOARD OF ADJUSTMENT APPLICANTS:

The following steps must be taken for your Notice and Proof of Service to be in order:

1. You must either send a copy of the notice to everyone on the Certified List of Property Owners by **certified mail**, or
2. You must hand deliver a copy of the notice to everyone on the list and have them **fil @ and date** the list in the space provided, or
3. You may do a combination of certified mailing and hand delivery.
4. The certified mailing or the hand delivery must be made **at least ten (10) days prior to the date of the hearing**, not counting the date of the meeting. This is a state requirement and no exceptions can be made for a hearing if the requirements are not met.
5. You must also publish notice of the application in the newspaper of record **at least ten (10) days prior to the date of the hearing**, not counting the date of the meeting. A sample notice is included for your assistance.

Trends-888-516-9220 - berlegals@gannett.com - Fax 973-905-4022

6. You must return the following documents to the Planning and Zoning Department **prior to the meeting** to assure that everything is in order:

- (A) A copy of the notice sent.
- (B) The list with signature and dates.
- (C) The white slips from the Post Office indicating to whom and when the notices were mailed.
- (D) The Affidavit and Proof of Service which must be signed by you and notarized. There is a notary available at Borough Hall at no charge.
- (E) Affidavit of Publication from the newspaper.

If you have any questions, please call Allison Winkler at 973-475-7131 for assistance.

Fees. The following fees shall accompany the application:

1. Application Fee.

"A" Variance pursuant to N.J.S.A. 40:55D-70(a) (appeal from the decision of the Construction Official, Zoning Officer, or other administrative officer).....	\$125.00
"B" Variance pursuant to N.J.S.A. 40:55D-70(b) (interpretation of the Zoning Map or Ordinance).....	\$125.00
"C" Variance pursuant to N.J.S.A. 40:55D-70(c) (bulk/dimensional variance)	
Residential - per lot	\$250.00
Nonresidential - per variance.....	\$500.00
"D" Variance pursuant to N.J.S.A. 40:55D-70(d) (use variance)	
Residential - per lot	\$500.00
Nonresidential - per variance.....	\$500.00
Planning variance pursuant to N.J.S.A. 40:SSD-76	\$75.00
Extension of time	\$50.00
Modification of terms or conditions of previously granted variance.....	\$50.00
Certificate of nonconforming use pursuant to N.J.S.A. 40:55D-68.....	\$500.00

2. Escrow. The applicant shall deposit with the Municipal Clerk an escrow to cover some of the costs incurred by the Board of Adjustment for the professional services of its Attorney, Engineer, Planner, or other specifically retained expert in connection with any appeal to the Board of Adjustment concerning any application for development or any request for interpretation of the Zoning Map or Ordinance or any decision regarding any other question which the Board is authorized to pass.

(a) Amount of Escrow. The Board of Adjustment Secretary shall forward the application and all application documents submitted by the applicant to the Board of Adjustment professionals. The Board of Adjustment professionals shall review the application and the accompanying documents and based upon the nature and complexity of the application shall determine the amount of the escrow, if any, for the aforesaid professional services. They shall notify the Board of Adjustment Secretary as to their recommendations for the escrow amount. The Board of Adjustment Secretary shall thereafter notify the applicant of the escrow requirement. The application will not be listed for any hearings, nor shall the application be deemed complete until all fees including the escrow are paid.

(b) Use of Escrow. The escrow shall be used to defray the costs of the Board of Adjustment professionals and retained experts in connection with the application. These costs and expenses shall include review of the application and supporting documents, preparation of reports, telephone conferences and meetings (whether initiated by the applicant, its attorney or other expert, or by the Board of Adjustment), preparation of memorializing resolutions and other writings in connection with the processing of the application.

(c) Meeting Costs. The escrow shall also be utilized to pay the Board of Adjustment professionals for attendance at any specially scheduled meetings.

(d) Charges by Professionals. All professional charges shall be billed by the professionals to the Board of Adjustment at the rates established by the professionals' contract with the Board of Adjustment or the Borough. All invoices shall be itemized: date, the nature of the service, and the time spent, together with any other charges imposed pursuant to the professionals' contract with the Board of Adjustment or the Borough. All invoices shall be supported by a voucher duly signed by the professional seeking payment. All payments charged to the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate and the expenses incurred.

(e) Approval of Vouchers/Invoices. All invoices/vouchers submitted by the professionals for payment shall be processed by the Board of Adjustment for payment, the same as all other invoices and vouchers. No invoice/voucher for payment of any professional service shall be approved until a resolution is adopted at a public meeting.

(f) Special Consultants. If in the discretion of the Board of Adjustment, a special consultant is necessary for the proper review of an application, the Board of Adjustment shall be authorized to retain the consultant/expert and to pay the consultant from the applicant's escrow account.

(g) Review. The applicant shall be entitled to question or challenge the amount of the initial escrow as determined by the Board of Adjustment if a written request is submitted to the Board of Adjustment Secretary. The Board of Adjustment will afford the applicant an opportunity to present information to the Board of Adjustment at a public hearing. However, no hearing on the merits of the application will be held until the escrow is deposited. The applicant may also question or challenge the invoices/vouchers submitted by the Board of Adjustment's professionals by notifying the Board of Adjustment's Secretary in writing as to the challenge/question. The applicant will be afforded an opportunity to be heard at a public meeting.

(h) Fee Schedules. The Board of Adjustment Secretary shall prepare and make available to applicants, upon request, the fee schedule of the Board of Adjustment professionals.

(i) Replenishment of Escrow Account. If the escrow amount falls below two hundred fifty (\$250.00) dollars, the Board of Adjustment may, if recommended by the Board of Adjustment's professionals, require that the applicant pay additional funds into the escrow accounts.

(j) Account Excess and Interest. Pursuant to N.J.S.A 40:55D-53.1, if the escrow amount is in excess of five thousand (\$5,000.00) dollars, the Borough shall deposit same and shall pay interest to the applicant. When the application review and approval process has been completed, the excess funds in the account, if any, shall be remitted back to the applicant with interest, if applicable, as soon as is practicably possible.

(k) Deficiency of Account. The applicant shall be liable for all of the foregoing professional fees notwithstanding that the escrow account might be insufficient for the payment of the fees and expenses.

e. The Board of Adjustment shall not deem an application complete until a report is received from the Board of Health concerning suitability of an existing septic system if an application is for one hundred twenty (120) square feet or larger.

f. The Board of Adjustment shall not deem an application for matter over which it has jurisdiction complete until it has received:

1. A Letter of Interpretation or Letter of Exemption issued by the New Jersey Department of Environmental Protection pursuant to the requirements of the Freshwater Wetlands Protection Act rules at N.J.A.C. 7:7A, where applicable, indicating the absence of freshwater wetlands, indicating the presence and verifying the delineation of the boundaries of freshwater wetlands, or indicating that the project or proposed activities to be conducted are exempt from the Freshwater Wetlands Protection Act regulations.

2. (a) A Highlands Applicability Determination issued pursuant to N.J.A.C. 7:38-1.1 et seq. by N.J.D.E.P. for any application that has been determined to be exempt from the requirements of the Highlands Act; or

(b) For applications that have not been determined to be exempt from the requirements of the Highlands Act:

(1) A Highlands Preservation Area Approval issued by the N.J.D.E.P. pursuant to the Highlands Act rules at N.J.A.C. 7:38-1.1 et seq.;

(2) A Highlands Consistency Determination issued by the Highlands Council, provided that if the such Consistency Detennination finds that the application is not consistent with the Regional Master Plan, then the applicant must

[a] Submit plans and other documentation to demonstrate that all aspects of the application deemed inconsistent with the Regional Master Plan have been revised to be consistent with the Regional Master Plan and

[b] Provide a certification or affirmation from a licensed professional engineer or **land** surveyor that all issues raised by the Highlands Council in such Highlands Consistency Determination have been met; and

(3) Any other checklist items required under resource protection regulations now or hereafter adopted by the Borough in order to achieve Plan conformance under the Highlands Act.
(1985 Code§ 21-2.12; Ord. No. 2008-#29 § 4)