

Planning Board

BOROUGH OF MAYWOOD, NJ

INSTRUCTIONS FOR FILING AN APPEAL TO A RULING OF THE CONSTRUCTION CODE OFFICIAL

When it becomes necessary to file an appeal to the Planning Board for the purposes of obtaining relief from the Zoning Ordinance of this municipality, the following procedure shall be followed:

1. Obtain letter from the Construction Code Official which spells out the exact reason(s) for the denial of you permit application.
2. Notify the Construction Code Official in writing of your intent to appeal.
3. Obtain an appeals package of forms from the secretary to the Construction Code Official. This package will contain the following:
 - ❖ Three (3) copies of a **Notice of Appeal form (PZB-251)**
 - ❖ One (1) copy of a **Notification of Proximity Property Owners form (PZB-252)**
 - ❖ One (1) copy of a **Certification of Tax form (PZB-253)**
 - ❖ One (1) copy of a **Request for List of Proximity Property Owners form (PZB-256)**
 - ❖ One (1) copy of a **Proof of Service of Notices/Notice to be served on Owners of Proximity Properties form (PZB-258)**
4. Fill in the request for list of Proximity Property Owners form and submit it to the secretary to the Zoning Official for processing. Upon the payment of the appropriate fee, which is based on twenty-five cents (\$0.25) per address with a minimum of ten dollars (\$10.00), you will be provided a list of all property owners within a proximity distance of 200 feet of the property, which is the subject of the appeal.
5. Submit the application to the Construction / Zoning Official for review. The application must contain the following information:
 - a. Completed Notice of Appeal - three original copies (form PZB-251)
 - b. Survey indicating current conditions, additions, decks, sheds, pools that have been installed/constructed, must be shown on survey.
 - c. Information supporting your appeal must be presented, ie. (floor plans, renderings, pictures etc.)
 - d. Variances: a check covering appeal fees and an escrow check in the amount of \$350.00 for legal fees, (two separate checks are required). Refer to attached fee schedule.

Once the Zoning Official has reviewed the application and deemed it complete a date will be scheduled for the hearing and a list of property owners will be compiled.

6. Having received the necessary list of names of proximity property owners and a scheduled date for the hearing on your appeal, public notification of the hearing can now be made. Such notification must be made as follows:
 - A. **At least ten (10) days prior to the date of the scheduled hearing**, you must serve a notice to all of the property owners on your list, either by personal service or certified mail alerting these property owners of your intention to seek relief from the zoning ordinance. Failure to notify any one of these property owners will result in a cancellation of the hearing. A sample letter, which constitutes proper notice, is shown on the lower half of form PZB-258. (For a moderate fee, printed prepared letters are available at the office of the OUR TOWN newspaper located at 19 West Pleasant Avenue, Maywood, N.J.)
 - B. **At least ten (10) days prior to the date of the scheduled hearing**, you are to place a legal notice announcing the hearing in either the OUR TOWN or THE RECORD (of Hackensack, NJ) newspapers. This notice must state the date, time and place of the hearing, the nature of the relief being sought, identification of the property in question by street address and Block and Lot number. The same notice used for AA@ above is acceptable for meeting this requirement.
7. All documentation required for a hearing on an appeal to the Planning Board must be filed with the office of the Construction Code Official no later than the day after the publication of the legal notice. **(No partial or incomplete documentation is acceptable.)**
8. The documentation called for in Section 7 above shall be comprised of the following:
 - A. A letter of denial from the Construction Code Official.
 - B. A check made payable to the Borough of Maywood covering the fee for the appeal. (Refer to the attached Fee schedule)
 - C. A check, made payable to the Borough of Maywood, to be held in escrow in the amount of \$350.00 covering legal fees.
 - D. Three (3) Notice of Appeal forms (form PZB-251) each completely filled out signed and notarized.
 - E. One (1) copy of the Proof of Service (form PZB-258) completely filled out signed and notarized, after all the proximity property owners have been served.
 - F. A list of proximity property owners who were served with the notice.
 - G. A certified copy of the newspaper legal notice.
 - H. A copy of the Tax Collector=s certification of tax status (form PZB-253)
 - I. A current, (as of the date of the appeal), accurate survey of the property for which the appeal is

being filed complete with the surveyor=s or architects=s seal. This survey shall show; the lot size, the size and location of all structures on the lot and the setback dimensions of each of those structures from the property lines. If more than one structure exists, the distance between those structures shall also be shown. Swimming pools, decks, storage sheds and fences must be shown with all applicable dimensions and distances from buildings and property lines.

- J. Plans or sketches of the proposed construction shall be drawn to scale showing its relationship to existing structure(s) and submitted as a separate document.

NOTE: FAILURE TO COMPLY WITH ANY OR ALL OF THE ABOVE REQUIREMENTS WILL RESULT IN A POSTPONEMENT OR CANCELLATION OF YOUR HEARING UNTIL THE APPLICATION IS DEEMED TO BE COMPLETE.

Borough of Maywood Notice of Appeal

Case No: _____
Fee for Hearing: _____
Case: _____

Hearing Date: _____
Disposition of: _____

An application for relief from the restrictions of the local Zoning Ordinance is requested under the following section of State Statute R.S.,

_____ 40:55D-70a - An appeal alleging an error in a decision of the Building Inspector based on or made in the enforcement or interpretation of the Zoning Ordinance.

_____ 40:55D-70b - Special questions for interpretation of the Zoning Map and Ordinance that the Board is authorized to pass on by Borough ordinances.

_____ 40:55D-70c - An appeal to relieve practical difficulties and undue hardship created by the application of the Zoning Ordinance where the shape or topographic condition or other exceptional situations or conditions would be created by the proposed development.

_____ 40:55D-70d - An application for a variance from the strict application of the Zoning Ordinance for a use not permitted in the district for "special reasons".

To erect/alter/extend/use _____
_____ in accordance with the plans filed herewith.

Description of Existing/Proposed Building

Premises known as address _____, Block _____, Lot _____, Maywood, N.J.
Applicant _____ Address _____ (phone #) _____
Owner _____ Address _____ (phone#) _____
Zoning District _____ Use of Premises _____
Families occupying each floor: First _____, Second _____, Third _____ Size of Lot _____ x _____
Size of Building (at ground level): Front _____ Depth _____ Height: Stories _____ Feet _____
Lot situated (check one): Corner _____ Interior _____ Property Setback: Front _____ Side (if corner) _____

Does the plot plan presented with this application represent the conditions on this property as they exist at present?
Yes _____ No _____ (check one)

Has there been any previous appeal(s) involving these premises? Yes _____ No _____ (check one) If Yes, please state (a) Date(s) filed _____, (b) Nature of appeal(s) _____, and Disposition of appeal(s) _____

The grounds and reasons for this appeal/variance are: _____

Attached hereto is a plot showing the lines of the covered, existing and/or proposed structures and any other plans, sketches or information relative to this appeal/variance.

I hereby depose and say that all the above statements and statements made in any papers submitted herewith are true.

Applicant's signature _____

Sworn to before me this _____ day of _____ 200_____.

Signature of Notary _____ Seal>

AFFIDAVIT OF OWNERSHIP

State of New Jersey
County of Bergen ss.

I, _____ of full age, being duly sworn according to law, on his/her oath deposes and says that he/she resides at _____ in the municipality of _____ in the county of _____ in the state of _____ that he/she is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Borough of Maywood aforesaid, and known and designated as number _____ and that he/she hereby authorizes _____ to make the within application in his/her behalf and that the statements contained in said application are true.

Applicant' signature _____

Sworn to before me this _____ day of _____ 200_____.

Signature of Notary _____ Seal>

To the Construction Code Official:

This is to certify that on this date the Planning Board has approved /denied the within appeal to

with the following stipulations _____

and you may issue a permit accordingly.

Administrative Officer
Planning Board

**Certification of Taxes
Borough of Maywood
15 Park Avenue
Maywood, New Jersey**

PLANNING BOARD

To: Tax Collector

Date: _____

From: Planning Board

Re: Certification of Tax

Please certify as to whether the taxes payable on the property listed as Block _____,
Lot _____, also known as address _____ are current.

Thank you,

Administrative Officer

To: Planning Board

From: Tax Collector

I hereby certify that the taxes payable on the above referenced property are current.

Tax Collector

Date: _____

This Notice shall be submitted to the Tax Office by the applicant.

Request for List of Proximity Property Owners

Date: _____

To : Office of the Building Inspector

From: Applicant for Appeal Variance / Site Plan / Subdivision

Pursuant to the Municipal Land Use Law, N.J.S.A 40:55D-15, and the dictates of the Maywood Planning/Zoning Board, I hereby request that the Office of the Building Inspector provide a list of property owners' names, addresses, block and lot numbers to me for all properties within 200 feet of any point on my property which is the subject of an appeal/variance. My property is located at Block _____, Lot _____ also known as address _____

Name of Applicant

Telephone No. of Applicant

Note: this is in reference to case no.: _____

NOTIFICATION OF PROXIMITY PROPERTY OWNERS

Dear Sir/Madam:

This acknowledges your request for an application for a variance / Site Plan / Subdivision from the Municipal Zoning Ordinance or Land Use Regulations, with regard to premises at _____, Block _____, Lot _____, Maywood, N.J.

You must make sufficient copies of the NOTICE TO BE SERVED ON OWNERS OF PROXIMITY PROPERTIES (form PZB-258) and then personally serve or mail one to each of the owners of proximity properties as defined by the Rules of the Planning/Zoning Board pertaining to notification of proximity property owners, and within five (5) days you must file in this office a verified statement that you have served by **certified mail or personal service** a copy of this notice on such owners, together with the names and address of those so notified.

Further, a public hearing will be held on the application at 15 Park Avenue on the _____ day of _____ 20____, and you must either be present either in person or be represented by your attorney or agent.

Respectfully,

Mary Carton
Secretary

RULES OF THE PLANNING BOARD PERTAINING TO NOTIFICATION OF PROXIMITY PROPERTY OWNERS (See P.L. Chapter 118, Laws of 1952)

The Board shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the appellant. Said appellant shall within at least ten days prior to the time appointed for said hearing give notice to all owners of property situated within or without the municipality and within 200 feet of the property to be affected by said appeal. Such notice shall be given either by handing a copy thereof to the said property owners or by leaving a copy thereof at their usual place of abode, if said owners are occupants of the property affected by such appeal or are residents of the municipality in which said property is located.

Whenever the owners are non-residents of said municipality, such notice may be given by sending written notice thereof by registered mail to the last-known address of the property owner or owners, as shown by the most recent tax list of the said municipality. When the owner is a partnership, service upon any partner as above provided shall be sufficient and where the owners are corporations, service upon any officer, as set forth, shall be sufficient. The appellant shall by affidavit present satisfactory proof to the said Board at the time of the hearing that said notices have been duly served as aforesaid. Upon the hearing, any party may appear in person or by agent or by attorney.

**EXAMPLE OF NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER
AND TO BE SENT TO ALL PROPERTY OWNERS WITHIN 200 FEET AND/OR
INTERESTED PARTIES AT LEAST 10 DAYS
BEFORE THE DATE OF THE HEARING.**

BOROUGH OF MAYWOOD
PLANNING BOARD

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the {name of applicant}, the {owner/tenant/contract purchaser, etc} of property known as {address}, which property is also known as Block {#}, Lot {#} on the Tax Map of the Borough of Maywood, will apply before the Maywood Planning Board during a meeting to be held on {date of meeting} to begin at 7:30 p.m., or as soon thereafter as may be heard, for {variance, site plan, use variance, subdivision, or interpretation, etc.} to permit {details of application, identify variance, i.e. side yard setback of 3.2 feet where 5 feet are required}. The subject property is located in the {identify the zone} Zone.

The Applicant shall seek any and all other use variances, bulk variances, waivers, exceptions, interpretations and/or incidental relief that may be required to approve the application or to comply with the requirements of the Planning Board after the review of the application.

The intent of this notice is to afford you the opportunity to appear, if you so desire, before the Planning Board at the time and place designated above for the purpose of being heard with respect to this application. All documents and plans for this application have been filed with the Maywood Planning Board at the John A. Steuert, Jr. Maywood Municipal Complex, 15 Park Avenue, Maywood, New Jersey, and are available for inspection during normal business hours, (8:30 a.m. - 4:30 p.m.).

{Name of Applicant}

**EXAMPLE OF NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER
AND TO BE SENT TO ALL PROPERTY OWNERS WITHIN 200 FEET AND/OR
INTERESTED PARTIES AT LEAST 10 DAYS
BEFORE THE DATE OF THE HEARING.**

BOROUGH OF MAYWOOD
PLANNING BOARD

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that _____, is the
_____ of property known as _____, which
property is also known as Block _____, Lot _____ on the Tax Map of the Borough of
Maywood, will apply before the Maywood Planning Board during a meeting to be held
on _____ to begin at 7:30 p.m., or as soon thereafter as may be heard, for
_____ *to permit*

The subject property is located in the _____ Zone.

The Applicant shall seek any and all other use variances, bulk variances, waivers, exceptions, interpretations and/or incidental relief that may be required to approve the application or to comply with the requirements of the Planning Board after the review of the application.

The intent of this notice is to afford you the opportunity to appear, if you so desire, before the Planning Board at the time and place designated above for the purpose of being heard with respect to this application. All documents and plans for this application have been filed with the Maywood Planning Board at the John A. Steuert, Jr. Maywood Municipal Complex, 15 Park Avenue, Maywood, New Jersey, and are available for inspection during normal business hours, (8:30 a.m. - 4:30 p.m.).

{Name of Applicant}

PROOF OF SERVICE OF NOTICES

STATE OF NEW JERSEY
COUNTY OF BERGEN ss.

I, _____ of full age, being duly sworn according to law, deposes and says, that I reside at _____ in the Borough of _____ in the County of _____ and the State of _____; that I am the applicant in a proceeding before the Planning Board, Borough of Maywood, being an application for a Site plan / subdivision / variance from the Land Use or Zoning Ordinance which relates to the premises located at _____; that I gave notice of this proceeding to each and all of the owners of property affected by said application, by personal service or by certified mail on the _____ day of _____ 200____, true copies of which notice and list of persons notified are attached to this affidavit.

Applicant's signature _____

Sworn to before me on this _____ day of _____ 200____.

Signature of Notary: _____ Seal>

THE BOROUGH OF MAYWOOD

15 PARK AVENUE
MAYWOOD, NEW JERSEY 07607

PLANNING BOARD VARIANCE APPLICATION CHECKLIST FOR PLAN REQUIREMENTS

The following checklist is designed to assist applicants in preparing a plan or drawing for Planning Board review. Applicant should check off each item to ensure that it is included or not applicable, (NA). ITEMS OMITTED WILL DELAY CONSIDERATION BY THE BOARD.

Any plan or drawing presented to the reviewing board shall be drawn to a scale not less than one inch equals 30 feet, or more than one inch equals 10 feet.

The plan or drawing shall include and show the following information with respect to the subject lot (s) and surroundings:

Eighteen (18) copies of the plan or drawing are required

Key: Applicable and completed Not applicable

- 1). Date of this application.
- 2). Name and address of owner, with Block and Lot number
- 3). Name and address of applicant and interest in property, if other than owner.
- 4). Proper size sheet: 8 ½ x 13, 15 x 21, 25 x 36, or 30 x 42 inches as measured from the cutting edges. (8 ½ x 13 preferred)
- 5). Graphic scale indicated.
- 6). Indicate north arrow
- 7). Survey showing current conditions
- 8). Name and seal of licensed professional engineer, surveyor, architect or planner who prepared the plan. Drawings prepared by applicant must be signed and dated
- 9). Boundaries and dimensions of property (specify in square feet and acres). Indicate all lot lines and dimensions.
- 10). Location of existing buildings and structures, including fences and retaining walls on the subject tract.

- _____ 11). Location of drainage facilities to serve the proposed structure, if applicable
- _____ 12). Location (including setbacks from all property lines) and use of all retained existing and proposed buildings and structures.
- _____ 13). Land coverage by building (s) in square feet and percent of total site.
- _____ 14). Total floor area in square feet, if applicable
- _____ 18). Size and location of existing and proposed driveway(s) and curb cut(s).

Date

Applicant Signature

FIRE PREVENTION FEES

[as amended in Section 2]

JUNKYARDS [Added 9-25-2002 by Ord. No. 18-02]

Junkyard license \$500

LAND USE FEES

[Amended 4-25-2001 by Ord. No. 13-01; 9-25-2002 by Ord. No. 18-02]

I. Application fees:

A. Appeals under with N.J.S.A. 40:55D-70(a)55 \$200

B. Interpretations under N.J.S.A. 40:55D-70(b) \$200

C. Variances:

1. Applications filed pursuant to N.J.S.A. 40:55D-70c in connection with a variance on property to be used for one- or two-family use \$100

2. Applications filed pursuant to N.J.S.A. 40:55D-70c for a variance on property to be used for a multifamily house, consisting of three to 10 units \$150

3. Applications filed pursuant to N.J.S.A. 40:55D-70c for a variance on property to be used for a multifamily house consisting of 11 or more units \$250

4. Applications filed pursuant to N.J.S.A. 40:55D-70c in connection with property used for business, commercial and/or industrial use or any part to be used for these purposes having a land size of less than 10,000 square feet \$150

5. Applications filed pursuant to N.J.S.A. 40:55D-70c in connection with a variance on property for business, commercial and/or industrial use or any part to be used for these purposes having a land size in excess of 10,000 square feet \$250

6. Applications filed pursuant to N.J.S.A. 40:55D-70d \$300

D. Subdivisions:

1. Minor subdivision \$100

2. Major subdivision \$100,

plus \$25 per lot

E. Site plans:

Waiver Application \$100

1. For each 20,000 square feet of lot area up to 3 acres \$200

2. For each acre over 3 acres \$300

3. For each 1,000 square feet of floor area up to 10,000 square feet \$150

4. For each 1,000 square feet of floor area over 10,000 square feet \$100

F. Conditional use \$200**G. Appeals pursuant to N.J.S.A. 40:55D-34 and -36** \$100**II. Miscellaneous fees**

A. Copy of Land Use Ordinance \$10

B. Copy of Zoning Map \$2

C. Copy of Board resolution \$10

D. List of property owners within 200 feet, public utilities, cable television companies, and/or local utilities

\$0.25 per name
with \$10 minimum

III. Escrow accounts:

A. Hourly fees:

- | | |
|---|--------------------------|
| 1. Attorney legal review fee | \$100. per hour |
| 2. Engineering review and inspection fees | |
| a. Principal | \$110. per hour |
| b. Principal assistant | \$ 80. per hour |
| c. Survey field party | \$130. per hour |
| d. Office work (design/drafting) | \$ 50. to \$65. per hour |
| e. Field inspection and supervision | \$ 65. per hour |
| f. Technical steno and typing | \$ 35. per hour |

B. Initial escrow deposits:

- | | |
|--|--|
| 1. Variance Application | \$400 |
| 2. Site plans | |
| a. Concept plan with input and advice from Board's professional advisors | \$1,000. minimum |
| 3. Preliminary site plan | |
| a. Nonresidential development | \$ 50. for the first 20,000 square feet of lot area or fraction, thereof plus \$10 for each 10,000 square feet or fraction thereof of lot area over 20,000 square feet, plus \$ 50 for the first 1,000 square feet of floor area of any new building or alteration of or addition building on the subject property plus \$10 for each 1,000 square feet or fraction thereof of floor area over 1,000 square feet |
| b. Residential development | \$100 for each acre, or part thereof, in the development site and \$40 for each proposed dwelling unit |
| c. Minimum fee | \$1,000 |
| 4. Final site plan | |
| a. Either residential or nonresidential | One-half of preliminary site plan review fee prorated |
| b. Both residential and nonresidential | Equal to collective technical review fee of nonresidential and residential parts |
| 5. Conditional use | \$1,000 |
| 6. Subdivision | |
| a. Concept plan with input and advice from Board's professional advisors | \$1,000 minimum |
| b. Minor subdivision or resubdivision | \$ 100 for each lot within proposed subdivision or \$500, whichever is greater |

c. Preliminary plat of major subdivision	\$ 100 for each lot within proposed subdivision or \$500, whichever is greater
d. Final plat of major subdivision	\$50 for each lot within final plat of subdivision
7. Variance under N.J.S.A. 40:55D-70 when no site plan or subdivision is sought	\$1,000
8. Appeals under N.J.S.A. 40:55-70(a) and N.J.S.A. 40:55D-34 and -36	\$ 500
9. Interpretations under N.J.S.A. 40:55D-70(b)	\$ 500
MEETING NOTICES, MAILING	\$10 per year
NOISE VARIANCE	\$10
PARKING PERMIT, MUNICIPAL	\$30
PARKING LOTS, OVERNIGHT PARKING [Amended 10-22-2003 by Ord. No. 13-03; 4-20-2006 By Ord. No 05-06; 6-15-2006 by Ord. No.09-06]	\$40 per month
PICNIC PERMIT (refundable upon inspection of park, if found to be in good condition)	\$20
POLICE FEES	
Fingerprints (for Maywood residents only)	No charge
Firearms identification card	\$5
Pistol permit	\$5
Photographs	\$10
Security details, cost of providing police officer private details or other services	Double time the hourly salary earned by police officer assigned
Police vehicle, providing police vehicle in response to private request	\$25 per hour, in addition to cost of the police officer assigned to the vehicle at the fee set forth herein
Police reports	
1 st Page to 10 th page	\$0.75/page
11 th page to 20 th page	\$0.50/page
all pages over 20	\$0.25/ page
POOL, MUNICIPAL [Amended 11-28-2001 by Ord. No. 23-01]	
Swim Lessons - resident and non-resident (non-refundable)	\$75
Lost ID card	\$10 each card

Planning/Zoning Board

Application Documentation Checklist

Re: Case No.: _____

An application shall not be deemed completed until the applicant provides all required information and documents, together with the requisite fee. The required documentation shall include, but not be limited to, the following:

- Three (3) original copies of the Notice of Appeal [form # PZB-251]
- One sealed copy of the existing sealed plot plan
- Eighteen (18) copies of the proposed plot plan
- Supporting documentation of the proposed development if any is presented
- One Notification of Property Owners [form #252]
- One Proof of Service form [form #258]
- One list of property owners to be notified
- One copy of the legal notice from the newspaper
- One Certification of Tax [form #253]
- Letter of Denial from the Construction Code Official
- Payment of all applicable Fee's and Escrow
- Site inspection information
- Special documentation if required
- Signed Check list
- Publication of Resolution

Reports:

- | | |
|---|--|
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Police Department |
| <input type="checkbox"/> Fire Prevention Bureau | <input type="checkbox"/> Shade Tree Commission |
| <input type="checkbox"/> Health Department | |