



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, P.O. BOX 8619, WOODCLIFF LAKE, NEW JERSEY 07677

ZONING BOARD
Meg Smith
Board Secretary

201-391-4977 EXT-210
FAX: 201-391-8830
msmith@wclnj.com

ZONING BOARD OF ADJUSTMENT APPLICATION DIRECTIONS

Instructions for application for variances or special exceptions of appeals to the Board under R.S. 40:55

The applicant must make a formal written application to the Board stating type of and basis for variance and enclosing the indicated fee.

The following fees shall be paid by the applicant at the time of filing the application for the purpose of defraying the expense:

Application for a variance from the terms of the zoning code of the Borough of Woodcliff Lake for special uses, hardship, or nonconforming use--\$100.00

Application for an appeal from a denial of a building permit by the building permit by the Building Inspector--\$100.00

Escrow for preparation of Resolution by the Board Attorney--\$750.00

All applications must be filed with the Secretary of the Board by the first week of the month prior to the regular meeting of the Board of Adjustment, held on the fourth Tuesday of each month at 7:30 p.m. in the Borough Hall, 188 Pascack Road, Woodcliff Lake, New Jersey.

The following shall be submitted in complete sets. All plans must be folded, not rolled.

1. Application with Affidavit of Applicant. Affidavit of Ownership and Authorization, is required if anyone other than the owner is making the application. This form must be notarized.
2. Twenty (20) copies of a plot plan prepared by a licensed surveyor or architect, showing the following:
 - a) Block and lot numbers.
 - b) Dimensions of lot.
 - c) Dimensions of present and proposed structure.
 - d) Location of all structures in relation to all other structures and property lines.
 - e) Ownership of next adjoining properties.
3. Twenty (20) copies of updated survey and one stamped certified original.
4. Twenty (20) copies of denial letter from Zoning Official.

5. Justification for variance(s) – Answer to 3 questions in application. These three items are included in the Zoning denial form and should be copied as follows:

1. State the articles and sections of the code you are denied under.
2. State the proposed work or use you are applying for.
3. State the actual variances (the variance item and amount of variance in feet or percentage).

Example: “For a variance from the terms of Articles and Sections 262-14B(4) to permit the construction of a deck, resulting in a side yard variance of 20 feet and total building coverage variance of 2%”.

6. Copy of Application Checklist

NOTICE

Notice MUST appear in the local newspaper (The Record) ten (10) days prior to the public hearing date.

No less than ten (10) days prior to hearing date the applicant shall give notice to all property owners of property situated within 200 feet of the property to be affected (whether such property is within or without the Borough of Woodcliff Lake) in the following manner. All addresses must be procured from the tax records of the municipality and obtained from the Tax Assessor.

a) By certified mail, return receipt requested, to their usual residence or place of abode.

OR

b) By hand delivering the notice to said property owners.

The applicant shall prepare and deliver to the Board Secretary at least (7) seven days prior to the hearing:

a) Property owner’s list (200 foot list.)

b) Affidavit of Service by applicant (notarized)

c) Affidavit of publication from the newspaper (must say exactly what denial letter states.)

****IMPORTANT**

In order to expedite the processing of your application, the applicant should be careful to comply fully with all above instructions. The Board can take no action until the above requirements are fully complied with, and if unable to act within 90 days from the date the application was received, the Board will be deemed by law, to have decided adversely to the applicant.

ZONING BOARD OF ADJUSTMENT
APPLICATION CHECKLIST

Please check off and return a copy of this checklist with your completed application.

- A fully executed application form for said requested variance, said form as provided by the Borough of Woodcliff Lake.
- Twenty (20) copies of the Zoning Officer denial.
- A complete list, certified by the Borough Tax Assessor, containing the names and addresses of owners of all property within 200 feet from all points of the property to be affected by the application.
- Twenty (20) stamped set of drawings of the premises in question and a block diagram with street numbers, lot and block numbers with all lot dimensions showing the character and the occupancy within 200 feet, with all points of the compass indicated, and said drawings shall also include a ground or footprint plan of the building and typical floor plan, with all measurements.
- Twenty (20) sets of photographs of the vicinity of the property in question.
- Twenty (20) copies of an updated survey of the premises in question, certified by a licensed professional civil Engineer or surveyor of the State of New Jersey.
- Payment in full of all fees.
- A certificate from the Tax Collector stating whether any taxes or assessments are due or delinquent.

NOTICE TO APPLICANTS

NO NOTICE OF THE HEARING SHALL BE SERVED OR NEWSPAPER PUBLICATION MADE UNLESS CONSENT IS OBTAINED FROM THE BOARD SECRETARY.

ZONING BOARD OF ADJUSTMENT APPLICATION FORM
WOODCLIFF LAKE, NEW JERSEY

Filed _____

Hearing _____

NOTICE: This application must be filed within 30 days of the order from which the appeal is taken, accompanied by the required data together with two checks.

APPLICATION FOR A VARIANCE FROM THE TERMS OF THE ZONING
ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE, NEW JERSEY

To the Zoning Board of Adjustment of the Borough of Woodcliff Lake:

An appeal is hereby made for a variance from the terms of Articles and Sections:

of the Zoning Ordinance so as to permit the following:

requiring the following variances:

This appeal is based on the decision rendered/order issued by the Construction Code Official dated _____ and reading as stated above.

NOTE: The law requires that the conditions set forth in the following three Sections 1, 2 and 3, MUST be established before a variance CAN be granted. Answers to these sections must be complete and full. Please attach these answers to a copy of the Construction Official's denial letter and Survey, and provide 16 copies:

1. That the strict application of the provisions of the Zoning Ordinance would result in practice difficulties or unnecessary hardships inconsistent with its general purpose and intent. (Explain in detail wherein your case conforms to this requirement.)

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood. (State fully wherein your case conforms to these requirements.)

NOTE: The Board of Adjustment is required to make a written finding of facts from the showing applicant makes that the three above enumerated conditions exist and, in addition thereto, must find that the granting of such variance will not be contrary to the objectives of the Zone Plan.

DESCRIPTION OF PROPOSED STRUCTURE OR USE

Premises affected known as _____ Woodcliff Lake, NJ.

Applicant: _____ Address: _____

Owner: _____ Address: _____

Lessee: _____ Address: _____

Zone: R-8.15, R-15, R-22.5, R-30, B-1, B-2, B-3, EAO, SO, Other _____

Last Occupancy: _____

Lot Size: _____

Building Size (Feet): Front _____ Depth _____

Percentage of Lot Occupied by Building: _____

Height of Building: Stories _____ Feet _____

Setback from Front Property Line: Feet _____

Setback from Side (if Corner Lot): _____

Has there been any previous appeal involving these premises? _____

If so, state character of appeal and date of disposition: _____

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION,
I SUBMIT THE FOLLOWING:

(A) Completed Application

(B) Twenty (20) copies of denial letter from the Zoning Official.

(C) Twenty (20) copies of a Certified Survey of the property. If a present building exists, the survey shall clearly indicate such building thereon with all front, side and rear yard dimensions, together with prevailing setback dimensions.

(D) Twenty (20) copies of a Plot Plan (if a new building), or Architectural Plans, clearly indicating such building thereon with all front, side and rear yard dimensions, together with prevailing setback dimensions. All plans to be folded, not rolled.

(E) ONE (1) copy of list of property owners served indicating method (Personal, Certified Mail) and date of service.

(F) Original, notarized Affidavit of Service with the following attached: original white certified mail slips stamped by the post office if served by certified mail, copy of Notice served, copy of Property Owners List:

AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY

COUNTY OF BERGEN

_____ of full age, being duly sworn according to law, on oath deposes and says that all of the above statements and the statements and the statements contained in the papers submitted herewith are true.

(Applicant's Signature (s))

Sworn to and subscribed before me this _____ day of _____.

Notary Public

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY

COUNTY OF BERGEN

_____ of full age, being duly sworn according to law, on oath deposes and says that the deponent resides at _____ in the County of Bergen and State of New Jersey, that _____ is the owner in fee of lot, piece of parcel of land situated, lying and being in the municipality aforesaid and known and designated as **Block** _____ **Lot** _____.

Owner's Signature(s)

Sworn to and subscribed before me this _____ day of _____.

Notary Public

AUTHORIZATION

(If anyone, other than above Owner, is making this application, the following authorization must be executed.)

To the Board of Adjustment:

_____ is hereby authorized to make the within application.

Dated: _____

(Owner's Signature (s))

Request for Proof of Property Taxes Paid

DATE: _____

TO: TAX COLLECTOR OF THE BOROUGH OF WOODCLIFF LAKE

Address of Property: _____ Block: _____ Lot: _____

Please provide proof of property taxes paid for the above premises.

Kindly forward the list to me at the following address:

Name: _____

Address: _____

Tel. No: _____

Email Address: _____

Thank you for your cooperation.

(Applicant)

Request for 200 Foot Property List

DATE: _____

TO: TAX ASSESSOR OF THE BOROUGH OF WOODCLIFF LAKE

RE: _____ Block: _____ Lot: _____
(Address of Subject Premises)

Please provide a property owners list for the above premises. I have enclosed my check in the amount of \$10.00, payable TO THE Borough of Woodcliff Lake.

Kindly forward the list to me at the following address:

Name: _____

Address: _____

Tel. No: _____

Email address: _____

Thank you for your cooperation.

(Applicant)

NOTICE OF HEARING TO OTHER PROPERTY OWNERS

To _____

Address _____

PLEASE TAKE NOTICE:

That the undersigned has appealed to the Zoning Board of Adjustment of the Borough of Woodcliff Lake, NJ for a variance from:

of the Zoning Ordinance so as to permit the following:

Requiring the following variances:

_____ and

any and all other variances deemed necessary by the Board and its professionals.

On the premises _____ which is within 200' of property owned by you. This appeal is on the Board's calendar and a public hearing has been ordered for _____, 20____ at 7:30 p.m.

DUE TO THE COVID-19 VIRUS, THIS MEETING WILL BE A VIRTUAL MEETING AND THE PUBLIC WILL NOT BE ALLOWED TO ATTEND IN PERSON. YOU CAN EMAIL COMMENTS OR QUESTIONS TO OUR BOARD SECRETARY UNTIL 6:30 PM ON THE MEETING DATE AT msmith@wclnj.com AND YOUR COMMENT AND QUESTIONS WILL BE PLACED INTO THE RECORD.

THE PUBLIC WILL BE ABLE TO ACCESS THE ZONING BOARD MEETING THROUGH ZOOM. DETAILED GUIDELINES TO ACCESS ZOOM WILL BE NOTICED WITHIN 48 HOURS OF THE MEETING ON THE BOROUGH WEBSITE.

BE ADVISED THIS IS A ZOOM WEBINAR AND ONLY CERTAIN PERSONS WILL BE VISIBLE, BUT THE ENTIRE MEETING CAN BE HEARD. ALSO, DURING THE PUBLIC COMMENT SECTION OF THE MEETING, YOU WILL BE ABLE TO USE ZOOM TO RAISE YOUR HAND AND BE ALLOWED TO PARTICIPATE ONE AT A TIME. NO TEXT COMMENTS WILL BE ALLOWED DURING ZOOM, YOU MUST USE THE ZOOM FEATURE TO BE CALLED ON OR CALL THE NUMBER ABOVE DURING THE DESIGNATED TIMES DURING THE MEETING.

ELECTRONIC COPIES OF THE PLANS AND APPLICATION MATERIALS ARE POSTED ON THE BOROUGH WEBSITE (www.wclnj.com) UNDER THE BOROUGH DEPARTMENTS, ZONING BOARD OF ADJUSTMENT, APPLICATIONS TABS. UPON REQUEST TO THE BOARD SECRETARY HARD COPIES OF THE PLANS AND APPLICATION MATERIALS CAN ALSO BE SENT BY MAIL OR PICKED UP AT THE BOROUGH HALL BY APPOINTMENT VIA PICK UP BOX. A CHECK FOR PAYMENT OF THESE MATERIALS MUST BE MADE PRIOR TO PICK UP.

Respectfully,

Applicant

NEWSPAPER NOTICE

OBTAIN ORIGINAL AFFADAVIT OF PUBLICATION FROM NEWSPAPER

**BOROUGH OF WOODCLIFF LAKE
NOTICE**

PLEASE TAKE NOTICE that the undersigned has appealed to the Zoning Board of Adjustment of the Borough of Woodcliff Lake, NJ for a variance from:

of the Zoning Ordinances so as to permit the following:

on the premises _____

resulting in the following variances _____

and any and all other variances deemed necessary by the Board and its professionals.

This appeal is now on the Board's calendar and a public hearing has been ordered for:

_____, 20____ at 7:30 p.m.

DUE TO THE COVID-19 VIRUS, THIS MEETING WILL BE A VIRTUAL MEETING AND THE PUBLIC WILL NOT BE ALLOWED TO ATTEND IN PERSON. YOU CAN EMAIL COMMENTS OR QUESTIONS TO OUR BOARD SECRETARY UNTIL 6:30 PM ON THE MEETING DATE AT msmith@wclnj.com AND YOUR COMMENT AND QUESTIONS WILL BE PLACED INTO THE RECORD.

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Applicant

**ZONING BOARD OF ADJUSTMENT
WOODCLIFF LAKE, NEW JERSEY**

AFFIDAVIT

**PROOF OF SERVICE OF NOTICES UPON PROPERTY OWNERS MUST BE FILED AND VERIFIED WITH
BOARD SECRETARY AT LEAST SEVEN (7) DAYS PRIOR TO MEETING OR CASE WILL NOT BE HEARD**

STATE OF NEW JERSEY)
COUNTY OF BERGEN)

_____ of full age, being duly sworn according to law, deposes and says that he/she resides at _____;
that _____ is the appellant/applicant in a proceeding before the Board of Adjustment of the Borough of Woodcliff Lake, New Jersey, being an appeal under the Zoning Ordinance which relates to premises _____ that on _____, he/she gave written notice of the hearing on this appeal to each and all of the owners of property affected by said appeal according to the attached list(s) and in the manner indicated thereon.

FORM OF NOTICE

To: See attached letter from the Tax Assessor

Please take notice:

That the undersigned has appealed to the Board of Adjustment of the Borough of Woodcliff Lake, New Jersey, for a variance from the terms of Articles and Sections 262- _____

The Zoning Ordinance so as to permit _____

Requiring the following variances:

_____ on the premises _____

Which is within 200-feet of property owned by you. This appeal is on the Board's calendar and a public hearing has been ordered for _____, 20__, at 7:30p.m. The Public will be able to access the Zoning Board meeting through Zoom. Detailed guidelines to access Zoom will be noticed within 48 hours of the meeting on the Borough website. You can email comments or questions to our Board Secretary until 6:30 pm on the meeting date at msmith@wclnj.com. Electronic copies of the application and plans are available for review on the Borough website (www.wclnj.com) under the Borough Departments, Zoning Board of Adjustment, Applications tab. Upon request to the Board Secretary, hard copies of the plans and application materials can also be sent by mail or picked up at the Borough Hall by appointment via pick up box. A check for payment of these materials must be made prior to pickup.

Respectfully,

Sworn to before me this _____ day of _____ 20_____.

Notary Public of New Jersey

Signature of person, who served notices

ATTACH: Notice of Publication, property owners List and stamped white slips, or signatures.

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 20-04

AN ORDINANCE TO AMEND CHAPTER 37 ENTITLED "LAND USE PROCEDURES" OF THE BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Chapter 37, of the Code of the Borough of Woodcliff Lake sets forth all regulations regarding Land Use Procedures within the Borough of Woodcliff Lake; and

BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged. Chapter 37. Land Use Procedures.

Ch. 37-28 Entitled Fees.

A. Fees

Application Fee Residential nonrefundable	\$100.00
Application Fee Commercial/nonresidential nonrefundable	\$500.00
Application fee-Use variance nonrefundable	\$500.00
Fee for extension of approval or site plan approval- Nonrefundable: residential	\$250.00
Fee for extension of approval or site plan approval- Nonrefundable: commercial/nonresidential	\$500.00
Escrow fee deposit – residential	\$750.00
Escrow fee for construction of new single-family home	\$900.00
Escrow fee deposit minimum – Use variance	\$2,500.00
Escrow fee deposit-expansion of non-conforming use	\$1,500.00

B. Escrow Fees for all Applications Before the Zoning Board.

Upon receipt of an application requiring professional services, the Board Secretary shall send a copy of the application to the Municipal Engineer and the appropriate professional consultants.

Within seven days of receipt of a copy of the application, said professional consultant shall submit an estimate of the funds sufficient to pay for the technical reviews, reports and other services they deem will be necessary concerning the application. After receipt of such estimated fees, the approving authority shall determine the funds necessary to pay its professional consultants for anticipated services to be rendered concerning the application, and the applicant shall forthwith deposit the required funds with the municipality to be maintained in an escrow account to be used for the payment of professional services rendered to the approving authority by its consultants in the following manner:

- (a) the professional consultant shall submit vouchers to the municipality for the services and upon approval of the approving authority, the voucher shall be paid from the applicant's escrow account. The applicant may request of the approving authority copies of vouchers submitted for payment from the applicant's escrow account and may request the opportunity to be heard by the approving authority concerning such vouchers prior to being approved for payment.
- (b) the balance remaining in the applicant's escrow account upon final action on the application shall be returned to the applicant.
- (c) in the event the funds deposited by the applicant are found to be insufficient to pay the approving authority's professional consultants for their services, the approving authority may require the applicant to deposit additional funds with the municipality for that purpose.
- (d) the Board Secretary shall notify the approving authority's professional consultants when the escrow deposits have been made and that they may begin their reviews of the application.
- (e) the approving authority shall take no formal action concerning the application unless the application fees and escrow fees have been paid to the municipality.

Ch. 37-29 C. (2) shall be amended as follows:

An application shall not be deemed complete unless the Municipal Engineer of the Board to which the application has been made shall have certified in writing that the application is complete.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

WOODCLIFF LAKE ZONING BOARD

1. Any property owner or other person directly affected by a decision of the Zoning Official may appeal to the Zoning Board of Adjustment. Please understand that the Zoning Official must apply the Zoning or other ordinances strictly; he lacks the authority to make adjustments of the law to suit particular problems.

2. Ordinarily, before the Zoning Official can apply the law to your case he will require a dimensioned sketch showing the location of the proposed building or addition on your property. A detailed survey or plot plan is therefore almost always required.

3. If you disagree with the Administrative Officer's interpretation, or seek a variance from the strict requirements of the ordinance, you must complete an application on forms provided by the Secretary of the zoning Board of Adjustment. Please answer all questions carefully and legibly. An application fee is required.

4. Generally, there are two kinds of variances. The first is a so-called "bulk" variance which relates to some dimensional requirement of the ordinance such as width of lot, area of lot, required yards, percentage of lot coverage by structure, or height of building.

These are governed by New Jersey Statute 40:55D-70(C) and are sometimes known as "C" variances.

"C" variances may be granted on either of two theories supported by proof:

1. If there is exceptional narrowness, shallowness, or shape of a specific piece of property, or if there are exceptional topographic conditions or physical features uniquely affecting a specific piece of property or the lawful structures such that the strict application of the zoning ordinance would result in peculiar and exceptional practical difficulties or hardship, then the board may consider a bulk variance. Note that the hardship must arise out of the nature of the property itself, and not be a family or personal problem.

2. The second theory on which a bulk variance may be granted is where, for a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a bulk variance and the benefits of that variance would substantially outweigh any detriment. The purposes are listed in New Jersey Statute 40:55D-2 and your application should be specific.

5. The other kinds of variance are the five listed in New Jersey Statute 40:55D-70(d) and are sometimes known as "d" variances. The five kinds are: (1) use or principal structure in a zoning district which does not permit such use or principal structure; (2) expansion of a non-confirming use; (3) variance from a standard which pertains solely to a conditional permitted use; (4) an increase in the permitted floor area ratio; (5) an increase in permitted density. "d" variances may only be granted for special reasons in particular cases.

Generally, unless the proposed use is charitable, the applicant should demonstrate that the site is not suited for any zoned use and that it is peculiarly suited for the proposed use. They require five affirmative votes by the Board of Adjustment.

6. In addition there maybe appeals from what you feel are errors made in the enforcement of the Zoning Ordinance or for interpretation of the zoning map or other ordinances.

7. In any of these cases you must show that the variance can be granted without substantially impairing the intent and purpose of the zoning Ordinance and Zone Plan. Obviously, you must present factual evidence and understand the intent and purpose of the Zoning Ordinance.

8. If the application involves more than a one or two family residence, Site Plan Review may be required. If it is to disturb more than 5,000 square feet of the surface area of the land for other than a single family residence, then Soil Erosion and Sediment Control Plan must be filed with the appropriate state agency.

9. After your application is completed the Secretary of the Board will give you a date for the hearing. You must publish notice of hearing in a local legally-designated newspaper and serve written notice on the owners of every piece of property within 200 feet of any part of the property for which the variance application is made. A list of property owners will be prepared for you. In addition if the property is within 200 feet of a county road you must serve the County Planning Board. If within 200 feet of the municipal boundary you must serve property owners in the adjoining municipality, the Clerk of that other municipality, and the County Planning Board. Service of notice must be completed at least 7 days before the hearing and you must file with the Board of Adjustment an affidavit of service to be prepared by you.

10. Members of the Board of Adjustment may inspect your property before the hearing to familiarize themselves with the problem.

11. The Board is made up of seven members and two alternates. All serve without pay.

12. The authority of the Board of Adjustment is limited by the Statutes and Woodcliff Lake Ordinances. You may present your appeal in person or through your attorney, but in either event, you must be prepared to present proofs required by law for your particular case. A corporation must be represented by an attorney. The Board makes recordings of the hearing and will ask that each person identify himself and speak clearly so that the recording can be understood later.

13. If you want a stenographic record you may engage a court-certified stenographer at your expense and should be willing to supply a copy of the transcript to the Board without expense, if required.

14. When your case is called you should be prepared to standup, explain what you want to do, why a variance is apparently required, what the neighborhood is like, how far neighboring buildings are from your property line, and present evidence on these and other practical points as concisely as possible. Identify buildings and uses by reference to the tax assessment map.

15. If the Board of Adjustment grants a variance, it may do so with conditions attached. A formal resolution memorializing the Board's decision, approving or denying an appeal or application or providing an interpretation of the Zoning Ordinance, will be adopted, usually at a meeting a month after a decision is reached.

16. An appeal from the decision of the Board of Adjustment may be made to the Law Division of the Superior Court within 45 days of publication of the Board's decision in a local legally-designated newspaper, and such appeal will be based on the record produced before the Board.

17. For more detailed information we suggest you see the Municipal Land Use Law which is codified as New Jersey Statutes 40:55D, and the Woodcliff Lake Zoning, Land Use, and/or Fence or Sign Ordinances. The Soil Erosion and Sediment control Act is New Jersey Statute 4:24-39 through 55, and the nearest Soil Conservation District Office is at 327 Ridgewood Avenue, Paramus, N.J. 07653 (Phone: 201-261-4407). The County Planning Board is at 21 Main Street, Hackensack, N.J. 07601 (Phone: 201-646-2896).