

BOROUGH OF ALLENDALE

LAND USE BOARD

VARIANCE RELIEF PACKAGE



CONSTRUCTION CODE OFFICE INFO.

Physical Address:

500 W. Crescent Ave.

Allendale, NJ 07401

Hours:

9:00am to 4:30pm, M-F

Contacts

201-818-4400 ext. 212

joanncatalfumo@allendalenj.gov

Joann Catalfumo- Land Use Administrator

Larry Calli- Land Use Bd Attorney

Ed Snieckus- Planner

Michael Vreeland - Engineer

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TO ALL APPLICANTS APPLYING FOR VARIANCES

PLEASE READ THIS INSTRUCTION SHEET CAREFULLY BEFORE COMPLETING YOUR APPLICATION. You, the applicant, are applying for a variance to perform a modification to your property or dwelling that does not comply with Allendale zoning codes. This instruction sheet serves to outline the basic application procedure.

1. The board conducts regular public meetings on the third Wednesday of each month, or at such time the board may deem necessary after giving notice as required by law. Meetings are held at 7:00 p.m. in the Council Chambers in the Municipal Building.

2. The following items must be included with application package:

(Check should be made payable to the **Borough of Allendale**) (a)

1. Application Fees: As listed in the Municipal Code Chapter 40 - Land Use Procedures; Article III - Provision of Combined board; Section 40-24 -Fees. (see Land Use Procedures)
2. Escrow deposit for residential applications shall be \$1,000.00
3. Initial escrow deposit for non-residential applications shall be \$3,000.00

(b) **Ten (10)** copies of the application, each accompanied by the property survey and **ten (10) PROPERLY FOLDED PLANS**, showing the proposal and its dimensions. The survey of the property must include the following information: tax map lot and block number; dimension of the lot properties. The survey must also show whatever the applicant intends to build, including dimensions and setbacks. Because the Board will base its decision upon the drawing, which is submitted, any errors which are subsequently discovered may require the applicant to return to the Board. If the plan is drawn by a professional, a professional seal is required on all copies. Based on the submission of the application, the Board Engineer may request additional information.

(c) **Ten (10)** copies of the Checklist including Tax Map and Photographs.

(d) The survey, plat or plan should locate and describe any proposed landscaping to be done in connection with the application. The location of any unusual property features should be indicated, such as flood plains, streams, wooded areas, rock outcroppings, or steep slopes. If applicable, request a tree inventory form and complete it. If applicable, request a soil movement application and complete it.

(e) If proposed, include a picture of the fence and/or sketch of the retaining wall with details of materials to be used.

(f) Certification form from the Tax Collector that no taxes or assessments for local improvements are due or delinquent. This form is completed by the Tax Collector's Office, located in the Allendale Municipal building, Between the hours of 8:30 AM to 4:30 PM.

3. The **application package** must be submitted with a pdf copy to the Board Secretary, Mrs. Joann Catalfumo, along with the required fees. Once your application is deemed complete, you will then be scheduled for a public hearing. All ten (10) copies of the completed application package are required for the application to be deemed complete.

4. After the application has been **deemed complete**, and the date for the public hearing scheduled, the applicant must obtain a list prepared by the Allendale Tax Assessor's Office in the Municipal Building. There is a **\$10.00 fee** for this service, and the lead time of seven (7) days is required in Allendale. Please make sure that your list of Property Owners

within 200 feet of subject site is not older than 60 days. You must service Notice of Hearing upon the people and entities shown on the list prepared by the Allendale Tax Assessor's Office. Set forth a brief but specific statement of what relief you seek, cite applicable Sections of the Ordinance (by number), their requirements and explain specifically how your request does not comply with them and the reason the Land Use Board should grant your request. If your property is within 200 feet of another municipality, you are responsible for obtaining the property owners' list from that town and including them in your legal notices. **You must give proper notice to all owners of the property on the Tax Assessor's list at least ten (10) days prior to the meeting (excluding the date of the meeting).**

5. If you deliver your notices by hand, submit a **notarized** Affidavit of Service for Hand Delivery or if you deliver your notices by certified mail, then submit an Affidavit of Service for Certified Mail Delivery. Submission must be made at least one (1) week prior to the meeting. Copies of the registered mail receipts must be attached to ____.

6. All public hearings require notice in an official newspaper(s) **at least (10) days prior to the Hearing (excluding the date of the hearing)**. Insert the date of the hearing for which you are applying, the scheduled time of the hearing (usually it will be 7:00pm). Set forth a brief, but specific statement of what relief you seek, cite application sections of the Ordinance (by number), their requirements and explain specifically how your request does not comply with them and the reason the Land Use Board should grant your request. It is the duty of the Applicant to verify with the newspaper as to the deadline time and date in the event said deadline time and date have change; **i.e., due to legal holidays, etc.**

Applicants can publish their legal notice in one of the following newspapers:

1. The Ridgewood News or the Record
1-888-516-9220 (Legal Notice Department)
Fax: 1-973-905-4022 or email BERlegals@gannett.com

When calling, faxing or emailing, please indicate which paper you choose to advertise in, your full name, billing address and phone number.

7. A **notarized** Affidavit for Proof of Publication, which is supplied by the newspaper, is also required **BEFORE** the meeting date. This document must be submitted to the Board Secretary, or your application cannot be heard.

8. If this application is an appeal from a building inspector's decision, you must file a copy of the application with the building department.

9. The application consents to having the members of the Land Use Board individually visit the property in question for the purpose of making themselves more familiar with the applicant's property and the variance request. The applicant should not discuss the application with an individual Board member if he/she visits the property.

10. An attorney is required for the public hearing if the applicant is a corporation. The applicant will be given the opportunity to present evidence through the form of sworn testimony and legal-admissible documentary evidence, supporting the application. The general public may also ask questions and will also be given the opportunity to make comments on the application. The applicant should be prepared to establish a factual and legal basis for the granting of the relief request. If the applicant plans to introduce any exhibits into evidence, the applicant should bring an extra copy of each exhibit which will be marked and kept as part of the board's file.

11. After the Board renders a decision, that decision is memorialized by the adoption of a written resolution at the next regularly scheduled meeting of the board. No work associated with the variance can begin and permits will not be issued until the official memorialization. Notice of the adoption of that resolution will then be published in the local newspaper. A copy of the resolution will be mailed to the applicant or attorney following its adoption.

12. Projects can't start until all permits are in place

For application questions call 201-818-4400, Ext.201- Board Secretary

The land Use Board cannot process your application unless it is complete.

Requirements for Submission of Applications:

1. Proof that taxes are current from Tax Clerk- 201-818-4400 X206
2. Print application forms for submission (p.7-12)
3. Request 200 ft list with \$10 to Tax assessor – Angela Mattiace (p. 13)
4. 10 collated sets of applications and plans (11x17 plans)
5. PDF of plans and application- email to JoannCatalfumo@allendalenj.gov
6. Copy of letter to neighbors and Utility companies
7. Receipts for certified letters that were mailed and a copy of 200-foot list (minimum of 5 days prior to meeting)
8. Copy of newspaper ad (minimum of 5 days prior to meeting)
9. Phone number and email of applicant
10. Fees: \$500 application fee and \$1500 Escrow fee (Two separate checks)

ALLENDALE LAND USE BOARD
APPLICATION CHECKLIST

NAME _____ BLOCK _____ LOT _____

ADDRESS _____

EMAIL _____ PHONE # _____

ZONE _____ TYPE OF VARIANCE. _____

BRIEF DESCRIPTION OF APPLICATION _____

SPECIFIC VARIANCE(S) REQUIRED _____

ADMINISTRATIVE REQUIREMENTS		STATUS
1.	Application form complete	_____
2.	PDF copy of full application and plans	_____
3.	Fee paid	_____
4.	Denial by Building Inspector	_____
5	Affidavit of Service	_____
6.	Proof of Publication	_____
7.	Taxes Current	_____
8.	Plot Plan	_____
9	Maps	_____
10	Photographs	_____
11	Email address	_____
12	Miscellaneous	_____

Date

Applicant's Signature

REQUIRED MATERIALS AND CHECKLIST FOR ALLENDALE LAND USE BOARD HEARINGS

This checklist and attached sample drawings are provided to ensure that you or your professionals are prepared for your hearing and that your application is complete. All items should be supplied to the extent that they are applicable to the specific application. If information is insufficient or missing, the board may deem your application incomplete and adjourn your hearing until it receives all necessary documentation. Please create 10 packets of the information below.

I. PROVIDE AN ACCURATE SURVEY FOR THE PROPERTY IN QUESTION WHICH CONTAINS THE FOLLOWING INFORMATION:

- ___ 1. Footprint of existing buildings or structures.
- ___ 2. Precise distances from all property lines to closest point of principal building including steps, deck or other extensions of the building.
- ___ 3. The location and precise distances of accessory buildings, such as garages and sheds. to property lines and the principal building or structure.
- ___ 4. The location and dimensions of steps, patios, driveways, decks. pools and all other improved impervious areas and their precise distances to nearest property line and structures.
- ___ 5. An accurate depiction of the proposed construction or alteration including the information requested in 1, 2, 3 and 4 above.
- ___ 6. The precise distances from all property lines to the closest point of the proposed construction.

II. AN ENLARGED TAX MAP DEPICTING PROPERTY IN QUESTION AND ITS RELATIONSHIP TO NEIGHBORING PROPERTIES.

- ___ 1. The precise distances from the existing buildings or structure in question to the closest point of all neighboring buildings and structures.
- ___ 2. The precise distances from the proposed construction to the closest point of all neighboring buildings and structures.

III. STRUCTURAL DIMENSIONS:

- ___ 1. All dimensions of existing building or structure.
- ___ 2. All dimensions of proposed building or structure.

- ___ 3. Height of existing building or structure.*
- ___ 4. Height of proposed building or structure.*
*(height to be measured from lowest point of the ground that abuts the foundation of the structure to the highest point on the roof.)
- ___ 5. Front, rear and side elevations of the proposed structure.

IV. FLOOR PLANS.

- ___ 1. Floor plans of the existing interior of the building contain all relevant dimensions.
- ___ 2. Floor plans of the interior of the proposed construction contain all relevant dimensions.
- ___ 3. Precise square footage of the existing building.
- ___ 4. Precise square footage of the proposed construction.
- ___ 5. Floor area ratio calculation pursuant to Section 270•63 of the zoning ordinance (required for all applications)

V. PHOTOGRAPHS.

- ___ 1. Photographs of the property in question and existing improvements may be helpful to the Board in presenting your information.
- ___ 2. Photographs of views from the existing building or structure to neighboring properties and buildings which show existing plantings or other buffers are also helpful and may be requested by the Board.

(All photographs should be taken by you or someone who can testify to the Board as to when they were taken and that the photographs represent an accurate depiction of what they saw at the time.)

VI. LANDSCAPING AND LAND FEATURES.

- ___ to 1. The survey, plot or plan should locate and describe any proposed landscaping be done in connection with the application.
- ___ 2. The location of any unusual property features should be indicated, such as flood plain, streams, wooded areas, rock outcroppings or steep slopes.

VII. PREVIOUS APPLICATIONS.

- ___ 1. Applicants should be prepared to discuss prior applications to the Land Use Board, Board of Adjustment and Planning Board and the results thereof.

- VIII. Any additional information which may be deemed necessary by the Land Use Board, its consultants or Borough departments and agencies.

NOTE: ALL DIMENSIONS AND DISTANCES MUST BE DEPICTED TO SCALE ON DRAWINGS AND PLANS.

Any questions regarding your hearing or the checklist should be directed to the Land Use Administrator at the Borough of Allendale Municipal Building 201-818-4400 x212.

It is suggested that the property owner refer to the appropriate building code to assure proper engineering and construction techniques, or to secure the services of a local, reputable architect and/or engineer.

Date

Signature

NOTICE OF APPEAL AND VARIANCE APPLICATION FORM
BOROUGH OF ALLENDALE, NEW JERSEY

TO THE APPLICANT: COMPLETE SECTIONS IN FULL FOR RELIEF REQUESTED

NOTICE OF APPEAL OF
ZONING ENFORCEMENT OFFICER'S DECISION

TO THE ZONING ENFORCEMENT OFFICER:

The petition of _____
that on or about the _____ day of _____, 20____
an application to the Zoning Official for the purpose of (describe intended
action) _____

_____ on the premises located at (street address) _____
_____ Block _____ Lot _____

as shown on the Municipal Tax Maps and Owned, or optioned, by the applicant was made; that
after due consideration the Zoning Enforcement Officer did on the ____ day of _____, 20____

decline to issue said permit for the reasons stated in the attached copy of the Zoning Enforcement
Officer's Refusal of Permit Form.

Applicant, feeling aggrieved at the action of the Zoning Enforcement Officer, files this notice of appeal
with said Officer, together with the required fee of _____, and requests that
action of the Zoning Enforcement Officer be reversed or modified as the facts may be determined,
and applicant further requests that a day be fixed for hearing on this appeal and states that the
proper notice will be given to all owners of property situated within two hundred
(200) feet of the property specified above, and others as required by Statute.

APPLICATION FOR VARIANCE

TO THE LAND USE BOARD:

An application is hereby made for a (Hardship) (Floor Area Ratio) (Use) variance from the terms
of Article(s) and Section(s) _____

_____ to Zoning Ordinance so as to permit
.....

Signature of Applicant

DESCRIPTION OF PROPOSED STRUCTURE OR USE

PREMISES AFFECTED known as Lot(s) _____ Block(s) _____,
Street Address _____
Applicant _____ Address _____
Owner _____ Address _____
Lessee _____ Address _____
Last Previous Occupancy _____
Size of Lot _____
Floor area ratio calculation _____
Percentage of lot occupied by building(s) _____
Height of building(s) _____ stories _____ feet _____
Set back from front property line _____ ft. From side (if corner lot) _____ ft.
Zoning requirements - Frontage _____, side yards _____, setback _____, rear yard _____
· "Prevailing set-back" of adjoining buildings within one block _____
Has there been any previous appeal involving these premises? _____
If so, state character of appeal and date of disposition _____

Proposed use: _____

This application for use variance includes an application for subdivision _____, site plan _____, conditional use _____ approval.

ATTACHED HERETO AND MADE A PART OF THIS APPLICATION I SUBMIT THE FOLLOWING: (NOTE: All papers must be submitted with application.)

- (a) The original Zoning Review Application, signed by the Zoning Officer and/or a true copy of the Official order issued by the Zoning Officer and signed by him, where applicable.
- (b) Ten (10) copies of all application documents
- (c) Ten (10) copies of a map showing all lots within 200 feet of the property; if buildings exist thereon the map shall be a certified "location map" and clearly indicate such buildings and their approximate location, together with "prevailing set-back" dimensions.
- (d) Ten (10) copies of a Plot Plan and clearly indicate such buildings thereon, with all front, side and rear yard dimensions.
- (e) Ten (10) copies of List of Property owners served, indicating method of service on each, date of service, together with copies of the post office receipts, if any.
- (f) Ten (10) copies of Subdivision, Site Plan, or Conditional Use application, when applicable.

(File all copies with the Land Use Administrator when only a variance is sought.)

Date: _____

Signature of Applicant or Agent



THE BOROUGH OF ALLENDALE

N E W J E R S E Y

500 WEST CRESCENT AVENUE, ALLENDALE, NJ 07401
WWW.ALLENDALENJ.GOV

ARI BERNSTEIN
MAYOR

200' PROPERTY OWNERS LIST REQUEST

FEE: \$10.00

DATE REQUESTED: _____ DATE PAID: _____

REQUESTED BY: _____

PHONE #: _____

BLOCK: _____ LOT: _____ QUALIFIER: _____

ADDRESS: _____

EMAIL ADDRESS: _____

REMARKS: _____

NEWSPAPER NOTICE

LAND USE BOARD
BOROUGH OF ALLENDALE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Land Use Board of the Borough of Allendale will hold a public hearing on _____, 20__ , at 700 p.m. in the Allendale Municipal Building, 500 West Crescent Avenue, 2nd Floor, Allendale, New Jersey 07401 on the application of _____ (Applicant) at

_____ Block No. _____, Lot No. _____ for a (hardship, floor area ratio, use) variance from Section _____

_____ zoning ordinance of the Borough of Allendale, and for any other variances or waivers that the Board may deem necessary, for the purpose of _____

Name and Address of **Applicant**

Sample Legal Notice

To be published in *The Record* or *The Ridgewood News* at least ten (10) days prior to the scheduled hearing date.

Original notice cut from newspaper must be given to Board Secretary along with all forms.

AFFADAVIT OF PROOF OF SERVICE

LAND USE BOARD

OF

BOROUGH OF ALLENDALE

PROOF OF SERVICE OF NOTICES REQUESTED BY STATUTE MUST BE
FILED AND VERIFIED WITH BOARD SECRETARY AT LEAST 10 DAYS PRIOR TO MEETING
OR CASE WILL NOT BE HEARD.

STATE OF NEW JERSEY)

COUNTY OF BERGEN) SS.

_____, of full age, being duly sworn according to law, deposes and
says, that (s)he resides at _____ in the municipality
of _____, County of _____, and State of _____,
and that (s)he is (are) the applicant(s) in a proceeding before the Land Use Board of Allendale, New
Jersey, being an appeal or application under the Zoning Ordinance, which relates to premises at
_____, and that on _____, 20____ (s)he gave written
notice of the hearing on this application to each and all of the persons upon whom service must be made,
in the required form and according to the attached lists, and in the manner indicated thereon.

Applicant's Signature

Sworn to and subscribed before me
this _____ day of _____,
20____.

NOTICE TO APPLICANT: Attach list of all persons served.

BOROUGH OF ALLENDALE
LAND USE BOARD
LEGAL NOTICE OF HEARING

This notice is being sent to you, as an owner of property within 200 feet of the subject property for which this application is being filed in accordance with the requirements of the Allendale Borough Land Use Board.

Please take notice that, on _____, 2026 at 7:00 p.m. the Allendale Borough Land Use Board will conduct a public hearing in the Allendale Municipal Building Council Chambers, located at 500 W. Crescent Avenue, 2nd Floor, Allendale, NJ 07401 to consider the application of _____, which involves property located at _____, Allendale, also known as Block _____, Lot _____, as shown on the tax maps of the Borough of Allendale and being located in the _____ Zone.

The applicant is requesting permission to _____

_____.

The applicant is requesting the following variances and/ or waivers from the Allendale Land Use Ordinance: _____

_____.

The applicant will also request any and additional variances, exceptions, waivers, permits, approvals or licenses deemed necessary or appropriate by the Board which may arise during the hearing process.

All documents related to this application may be inspected by the public between the hours of 9:00 a.m. and 4:30 p.m. in the office of the Borough Clerk located at 500 W. Crescent Avenue, Allendale NJ 07401. You may also call the Land Use Administrator at 201-818- 4400 ex. 212.

Applicant or Representative's Signature

Date:

BOROUGH OF ALLENDALE
LAND USE BOARD

NOTICE OF HEARING TO ADJACENT MUNICIPALITY

TO: MUNICIPAL CLERK _____
OF _____

PLEASE TAKE NOTICE:

That _____, the undersigned, has appealed to the
(Applicant)
Land Use Board of the Borough of Allendale for relief from _____

To permit _____

at _____

Block _____, Lot _____, _____

of _____, which property is within two hundred (200) feet of
your municipality. A hearing in this matter will be held on _____, 20____,
at 7:30pm in the Allendale Municipal Building, Allendale, New Jersey. Applicant is seeking a
hardship_____, use_____ variance, and subdivision_____, site plan_____, conditional use_____,
approval. This notice is given pursuant to the provisions of N.J.S.A. 40:55D-12d.

Applicant's Signature

NOTE: This notice must be personally served or sent by certified or registered mail at
least 10 days before the day of the hearing, and proof of service given to the Land
Use Administrator.

*LAND USE BOARD FEES FOR VARIANCE APPLICATIONS PURSUANT TO ORDINANCE
18-03*

§ 40-24 Fees.

Fees for applications for rendering any service by the Land Use Board or any member of their administrative staffs shall be set by the Borough Council by ordinance and copies of said fee schedules shall be available to the public.

B. Fees for applications to the Land Use Board acting as the Zoning Board of Adjustment shall be as follows: (1) Applications for use variances under N.J.S.A. 40:55D-70d: \$500. (2) Applications for hardship variances under N.J.S.A. 40:55D-70c and all other types of applications to the Land Use Board acting as the Zoning Board of Adjustment: \$500.

C. In addition to the fees noted in subsections (A) and (B) of this §40-24, an applicant with a pending application or appeal before the Land Use Board shall place in escrow account with the Treasurer of the Borough of Allendale a fee of \$500 for the initial application. No professional or consultant for the Borough of Allendale or the Land Use Board shall perform any services until the fees under the Borough in processing the application, appeal, or other matter before the Land Use Board, including fees for the Borough Engineer, a bulk review and attorney's fees incurred by the Borough as a result of such application, have been fully paid, and the Treasurer of the Borough is authorized to disburse the amounts of such fees or disbursements to the professionals upon the submission of appropriate vouchers.

D. In making a determination as to whether professional consultants shall be required, if any, except for the services of the Borough Attorney, the Land Use Board shall require that the cost of the Land Use Board review of the application and one-half of the estimated amount of the engineering and planning review fees which may be incurred, including other engineering and planning costs.

E. When the Land Use Board makes a determination that a professional consultant's services are required (other than those of the Borough Attorney), the applicant, prior to the hearing, shall deposit with the Borough Treasurer an initial deposit fee in the sum to be set by ordinance by the Borough Council, not exceeding in any event 40% of the estimated fees of said professional consultants. The funds deposited in said account shall be used to pay for the services of the Borough's professional consultants, including any out-of-pocket costs incurred in connection with such application or appeal. Any funds remaining in such account after the review and determination of the application or appeal by the Land Use Board shall be returned to the applicant together with an accounting of the costs incurred. In the event of a deficiency, the applicant shall deposit additional sums upon notice from the Borough Treasurer that such additional fees are required. Upon such replenishment, the Land Use Board may, in its discretion, suspend further hearings on the application until such time as such municipal permits or approvals may have been issued regarding said application.

F. The initial deposit fee shall be based on the estimated cost of the services to be performed by the professional consultants. The applicant shall be responsible for any additional fees incurred beyond the initial deposit and shall replenish the escrow account as needed to cover the costs of the professional review.

G. If an escrow account or deposit contains insufficient funds to enable the municipality or Land Use Board to perform required application reviews or processing, including but not limited to the payment for services performed by professional consultants for the municipality or the Land Use Board, the Chief Financial Officer shall provide the applicant with a notice of the insufficient escrow or deposit balance. In

order for work to continue the application, the applicant shall, within a reasonable time period, post a deposit to the escrow in an amount to be agreed upon by the Borough or Land Use Board.

H. Payment procedures when a professional consultant's services are required:

(1) The Chief Financial Officer of the Borough shall make all the payments required for legal, engineering, publication, and notification personnel, and to professionals for services rendered to the Borough and/or Land Use Board for reviewing an application. In addition to fees, the Chief Financial Officer shall pay all costs associated with specific notice. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of the Borough and/or the Land Use Board for special meetings or consultations. No applicant shall be charged for any Borough, clerical, or administrative functions, overhead expenses, meeting room charges or any Borough employee benefits, and no such charge shall be made by the Borough or the Land Use Board for any Borough professional advisor who is an employee of the Borough.

(2) Scope of reimbursed services. The Borough shall be entitled to be reimbursed for the review of applications, both as to completeness and as to content, and for the review and preparation of documents and inspection of improvements as provided in this chapter, including any necessary or appropriate legal, engineering, planning, traffic consulting, agreements and necessary correspondence by the applicant or the applicant's professionals.

(3) Deposit of escrow funds; refunds. Deposits received from any applicant more than \$5,000 shall be held by the Chief Financial Officer in a special interest-bearing deposit account, and the Chief Financial Officer shall notify the applicant of the name and address of the institution where the deposit is held and the amount of the deposit. For deposits of \$5,000 or less, the Chief Financial Officer shall not be required to notify the applicant of the name and address of the institution where the deposit is held and the amount of the deposit unless requested in writing by the applicant. All interest earned on any such escrow account shall be retained in the account until the account is closed and refunded or applied to the applicant. The Chief Financial Officer shall rebate the applicant's account with interest for the first 90 days and for each 90-day period thereafter; provided that the amount of the interest rebate shall be equal to the average rate of return for the 90-day period for the institution in which the funds are deposited. All interest shall accrue to the benefit of the applicant and shall be refunded to the applicant within 90 days after the final decision by the appropriate municipal agency on the application for development, upon certification by the Land Use Board Secretary that such application has been finally decided.

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE 22-14

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE
THE CODE OF THE BOROUGH OF ALLENDALE,
LAND USE PROCEDURES, CHAPTER 40**

BE IT ORDAINED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey that § 40-24(D) of Chapter 40 of the Code of the Borough of Allendale, entitled "Land Use Procedures", be and hereby is amended, supplemented and revised in its entirety to read as follows:

Chapter 40. Land Use Procedures

Article III. Provisions of Combined Board

§ 40-24. Fees.

- D. In addition to the fees noted in subsections (A), (B) and (C) of this §40-24, an applicant with a pending application or appeal before the Land Use Board shall place in an escrow account with the Treasurer of the Borough of Allendale a \$1,000 fee in connection with an application or appeal concerning a residential property, and a \$3,000 fee in connection with an application or appeal concerning a commercial property, as applicable, in order to cover legal fees of the attorney for the Land Use Board, engineering fees of the Borough Engineer, publication fees, and resolution fees incurred by the Borough in the processing of the application, and such other fees and costs for other professional consultants as the Land Use Board may from time to time reasonably and within its sole discretion determine are necessary for a proper review of the application and to supplement the applicant in support thereof.

BE IT FURTHER ORDAINED that, except as modified herein, all other provisions of Chapter 40 shall remain in full force and effect as previously adopted.

Council	Motion	Second	Yes	No	Abstain	Absent
Homan			✓			
Lovisolo	✓		✓			
O'Connell			✓			
O'Toole			✓			
Sasso			✓			
Wilczynski		✓	✓			
Mayor Bernstein	--	--				

I hereby certify the above to be a true copy of an ordinance adopted by the Governing Body of the Borough of Allendale on November 17, 2022.


Linda Louise Cervino, RMC
Municipal Clerk


Mayor Ari Bernstein

GLOSSARY & DEFINITIONS FOR APPLICANTS

APPLICANT: The person or entity filing an application with the Land Use Board.

BUFFER AREA: A strip of land of specified width containing natural woodlands, earth mounds or other planted screening materials separating one kind of land use from another or separating a planned development from any other form of development.

COMPLETE APPLICATION: A submission of an application form provided by the Borough and completed by the applicant, together with all accompanying documents required, for the approval of the application for development, including, where applicable, but not limited to, the checklist provided by the Borough.

CONDITIONAL USE: A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use, upon the approval by the Land Use Board.

COVERAGE: The portion of the lot covered by impervious surfaces and expressed as a percentage in which the numerator is the area of the lot covered by impervious surfaces, and the denominator is the gross area of the lot.

DENSITY: The permitted number of dwelling units per gross acre of land to be developed.

EASEMENT: Written and recorded authorization by a property owner for the use of a designated part of the property by others for a specified purpose.

FINAL APPROVAL: The official action of the Land Use board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties. Final approval also grants the applicant rights against changes in zoning requirements for two (2) years after the Land Use Board's adoption of the resolution of final approval.

FLAG LOT: A lot whose area exclusive of its access drive, meets the area requirement. The lot's configuration is one of reduced frontage on an approved street, generally a width sufficient for use as a driveway or future street, with the enlarged buildable portion of the lot located at the rear of the lot at the end of the access drive.

FLOOD PLAIN: A nearly level area adjacent to a stream, river or other body of water, subject top flooding or induction under heavy rain or blockage conditions a "100 yr. Floodplain" would include the area or flooding from a storm that has a one percent change of occurring.

FLOOR AREA: The area of all floors computed by using the dimension of the walls of each floor of a building.

FLOOR AREA RATIO (FAR): The area of all floors computed by using the dimension of the walls of each floor of a building.

FRONT LOT LINE: The lot line separating a lot from the street.

IMPERVIOUS COVERAGE: An artificial surface (such as pavement concrete, building etc.) that prevents or essentially prevents the infiltration of water from the land surface into the soil and subsurface layers.

INFRASTRUCTURE: Public utilities, facilities and other delivery systems such as storm sewers, sanitary sewers, streets, curbing, sidewalks and other public utility services.

LOT LINES: The property lines at the perimeter of the lot.

LOT WIDTH: The distance between the side lot lines measured at the front yard setback line.

MAJOR SUBDIVISION: The division of a lot, tract or parcel of land into more than one lot, tracts, parcels or other division of land for sale or development.

MASTER PLAN: A report or statement of land use and development proposals with maps, diagrams and text that serves as basic guide for community development. It projects the municipality's long-range development goals and policies.

MINOR SUBDIVISION: The division of a lot or lots, tracts or parcels in which the number of proposed new lots will be a net gain or no more than one or two lots.

MLUL: This stands for the NJ Municipal Land Use Law under which municipalities are enabled to enact Land Use Ordinances and a Master Plan.

NEGATIVE CRITERIA: Proof required in every variance application that there is no substantial negative impact on the zoning plan, zoning ordinance, or public good as a result of any variance approval.

NJDCA: The NJ Department of Community Affairs, a state agency charged with overseeing local government services, housing, finances, etc., in NJ.

NJDEP: The Department of Environmental Protection, a state agency charged with protection and preservation of natural resources and control of toxins in the natural environment in NJ.

NONCONFORMING LOT: A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of an ordinance but that fails to conform to the current requirements of the ordinance.

NONCONFORMING USE: A use or activity that lawfully existed prior to the adoption, revision or amendment to an ordinance but fails to conform to the current requirements of the ordinance.

NONCONFORMING STRUCTURE: a structure, the size, dimension or location of which has lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails the current requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

PRELIMINARY APPROVAL: The conferral of certain development rights granted to an applicant by the Land Use Board prior to the final approval, after specific elements of a development plan have been agreed upon by the Board and the applicant.

REAR LOT LINE: A lot line, generally opposite the front lot line.

SETBACK LINE: A line parallel to a street line or lot line beyond which a building shall not project. The minimum yard requirements shall be the minimum required setbacks. (On flag lots, the drive access shall not be considered in the minimum setback) Setbacks from public streets shall be measured from the proposed right-of-way as shown on the Master Plan.

SIDE LOT LINE: A lot line that is neither a front or rear lot line.

SITE PLAN: a development plan on which it shows certain information and data required by the MLUL and the Borough's zoning ordinances and rules.

SPOT ZONING: A change in the zoning that provides a benefit to a property which is not available to others similarly situated; which is generally regarded as desirable or illegal because it violates equal treatment and sound planning principles.

VARIANCE: A certain type of relief that an applicant may request in conjunction with an application before the Land Use Board. These can be a "C" or "D" type.

VARIANCE "C-1": A "C-1" variance in New Jersey, also known as a hardship variance, allows property owners to use their land in a way that doesn't comply with local zoning laws due to unique physical characteristics of the property. To get this variance, the owner must show that following the zoning rules would cause unnecessary hardship because of the property's specific features, such as its shape, size, or topography. Additionally, the proposed use must not negatively impact the surrounding area or contradict the overall zoning plan.

VARIANCE "C-2": A "C-2" variance in New Jersey, also known as a "flexible C" variance or a "benefits vs. detriments" variance, allows property owners to use their land in a way that deviates from local zoning laws if they can demonstrate that the benefits of the deviation outweigh any potential negative impacts. This variance is granted when the proposed use of property advances the purposes of zoning and provides a benefit to the community, even if it doesn't strictly adhere to zoning regulations. The applicant must show that the benefits of granting the variance would substantially outweigh any detriment.

VARIANCE "D-1": A "D-1" variance in New Jersey, also known as a use variance, allows a property owner to use their land for a purpose not permitted by the current zoning regulations. This type of variance is typically required when a property owner wants to use their property in a way that is completely different from what is allowed in the zoning district, such as opening a business in a residential area. To obtain a D-1 variance, the applicant must demonstrate that the proposed use will not negatively impact the surrounding area and that it serves a purpose beneficial to the community.

VARIANCE "D-2": A "D-2" variance in New Jersey, also known as an expansion of a nonconforming use variance, allows a property owner to expand or modify the use of the property that was legally established but does not conform to current zoning regulations. This variance is necessary when an owner wants to extend or alter a nonconforming use, such as adding more space to a building used for a purpose that doesn't fit the current zoning rules. To obtain a D-2 variance, the applicant must show that the proposed expansion will not negatively impact on the surrounding area and is consistent with the overall zoning plan.

VARIANCE "D-3": A "D-3" variance in New Jersey, also known as a conditional use variance, allows a property owner to use their land for a purpose that is conditionally permitted by zoning laws but does not meet one or more of the specific conditions set forth in the zoning ordinance. This variance is required when the proposed use is generally allowed in the zoning district but fails to comply with certain detailed conditions or standards. To obtain a D-3 variance, the applicant must demonstrate that the deviation from the conditions will not have a negative impact on the surrounding area and is consistent with the intent of the zoning plan.

VARIANCE "D-4": A "D-4" variance in New Jersey, also known as a floor area ratio (FAR) variance, allows a property owner to exceed the maximum floor area ratio specified in the zoning regulations. The floor area ratio is the relationship between the total floor area of a building and the size of the lot on which it is built. To obtain a D-4 variance, the applicant must demonstrate that exceeding the FAR limit will not negatively impact on the surrounding area and is consistent with the overall zoning plan.

VARIANCE "D-5": A "D-5" variance in New Jersey, also known as a density variance, allows a property owner to exceed the maximum density specified in the zoning regulations. Density refers to the number of units, such as apartments or houses, allowed per unit of land area. To obtain a D-5 variance, the applicant must demonstrate that the increased density will not negatively impact on the surrounding area and is consistent with the overall zoning plan.

VARIANCE "D-6": A "D-6" variance in New Jersey, also known as a height variance, allows a property owner to exceed the maximum building height specified in the zoning regulations. To obtain a D-6 variance, the applicant must demonstrate that the increased height will not negatively impact the surrounding area and is consistent with the overall zoning plan.