

**CITY OF GARFIELD
ZONING BOARD OF ADJUSTMENT
2017 APPLICATION
DOCUMENTS FOR FILING APPLICATIONS WITH BOARD OF ADJUSTMENT**

Dear Applicant:

This packet has been prepared to assist you with your application for a hearing before the Garfield Zoning Board of Adjustment. The Zoning Board is empowered to hear the following matters: (a) appeals of decisions of a zoning officer; (b) requests for interpretations of the zoning map or ordinance; (c) requests for variances; and, (d) requests for a certification that a nonconforming use or structure existed prior to the enactment of the zoning ordinance. In addition, in certain circumstances, the Zoning Board may undertake site plan review, and grant or deny sub-division requests.

If you feel that an error has been made in any order, requirement, decision or refusal made by an administrative officer of the Garfield Building Department, based on or made in the enforcement of a zoning ordinance, and you wish to appeal such decision before the zoning board, **in addition to filing an *Application for Hearing***, a Notice of Appeal must be filed with the Building Department **within twenty days** of the date of the decision you are appealing. However, if you feel the decision is correct, and are seeking a variance, this step is not necessary.

Enclosed please find the following documents which make up the Board of Adjustment application:

Instructions.

Application for Hearing.

Schedule of Fees and Escrow.

Disclosure statement.

Proof of Service

Notice to be Published in the Official Newspaper

Notice to be Served upon Owners of Property Affected by Application

If you have any questions please call me at (973) 772-4077, Ext. 204. You may also reach me by e-mail at jconteesq@gmail.com, or by fax at (973) 772-4177.

Very truly yours,

JOSEPH J. CONTE, ESQ.
Secretary to the Garfield
Zoning Board of Adjustment

INSTRUCTIONS
City of Garfield
Zoning Board of Adjustment

- 1) From the Tax Collector's office:
 - a) *Owners and Address Report* - Obtain a certified listing of property owners within 200 feet of the property. (See attached)
 - b) Obtain a certified letter that all property taxes have been paid and are current.
 - c) *Schedule of Fees and Escrows* - Pay all required fees and escrows, and obtain signed receipt indicating that all required fees and escrow funds have been deposited. (See attached).
- 2) Obtain the Certification of the Construction Official from the Building Department. (See attached) Attach the appropriate prior resolutions, if any.
- 3) Complete an original *Application for Hearing* (attached). Please attach the following documents to the *Application*:
 - a) Copy of Refusal of Permit (if issued).
 - b) Copy of filed *Notice of Appeal* (if required). The copy must include the Building Department's receipt date.
 - c) *Owners and Address Report* (item 1a).
 - d) Tax Collector's certification regarding property taxes (item 1b).
 - e) *Schedule of Fees and Escrows* (item 1c).
 - f) Construction Official's Certification and prior resolutions, if any. (item 2)
 - g) Proposed *Notice to be Served on Owners of Property Affected by Application* (sample attached). Please complete the entire Notice, except for the hearing date, which will be provided at a later date.
 - h) Proposed *Notice to be Published in the Official Newspaper* (sample attached). Please complete the entire Notice, except for the hearing date, which will be provided at a later date.
 - i) Signed and sealed property survey.
 - j) Site plan (measuring 24" x 36" folded into 8" x 12"). For one and two family homes, site plans should show plot lines, existing or proposed structures in relation to said lines, building plans, proposed parking and such other necessary information to fully explain the variations requested from the requirements of Zoning Code. For all other structures, site plans must completely comply with the Site Plan Review Ordinance of the City of Garfield, or a waiver from the ordinance, for the excluded information, should be requested. **A zoning grid, showing all required and proposed bulk, height and other requirements, must be included for all applications.**
 - k) Architect's plan (measuring 24" x 36" folded into 8" x 12"), show existing and proposed premises. Detailed floor plans, including the basement, if any, and elevations should be shown.
 - l) Self addressed stamped envelope for mailing the Resolution.
- 4) Make three (3) copies of the application packet (All items referenced in item 3).
- 5) Place the original set in a large envelope marked "**Original**" and deliver to the Secretary of the

Board, Joseph J. Conte, Esq. at 152 Harrison Avenue, Garfield, NJ 07026. If hand delivered, obtain a receipt or if mailed, provide proof of mailing.

- 6) Place 1 copy in a large envelope marked "**Building Department**" and deliver to the City Building Inspector's office at Garfield City Hall, 111 Outwater Lane, Garfield, NJ 07026. If hand delivered, obtain a receipt or if mailed, provide proof of mailing.
- 7) Place 1 copy in a large envelope marked "**City Planner**" and deliver it to the Secretary of the Board, Joseph J. Conte, Esq. at 152 Harrison Avenue, Garfield, NJ 07026. If hand delivered, obtain a receipt or if mailed, provide proof of mailing.
- 8) Place 1 copy in a large envelope marked "**Environmental Commission**" and deliver to the City Clerk's office, also in Garfield City Hall. If hand delivered, obtain a receipt or if mailed, provide proof of mailing.
- 9) Place 1 copy in a large envelope marked "**City Engineer**" to the Secretary of the Board, Joseph J. Conte, Esq. at 152 Harrison Avenue, Garfield, NJ 07026. If hand delivered, obtain a receipt or if mailed, provide proof of mailing.

THE SECRETARY OF THE BOARD WILL DETERMINE IF THE APPLICATION WILL REQUIRE ENGINEERING AND/OR PLANNING REVIEW FROM THE CITY'S RESPECTIVE PROFESSIONALS.

- 10) **After** being notified your application is complete and a hearing date is scheduled, insert such date on the *Notice to be Served on Owners of Property Affected by Application and Public Notice*.
 - a) Mail or deliver the *Notice to be Served on Owners of Property Affected by Application* to each of the parties listed on the Certified List of Property Owners (*Owners and Address Report*), **at least ten days prior to the date of the hearing**. If mailed, you must mail each notice by Certified Mail. If hand delivered, please obtain an Acknowledgment of Service, showing to whom you served the notice, and the date upon which you provided it.
 - b) Have the *Notice to be Published in the Official Newspaper* published in either the Garfield Messenger or The Record, **at least ten days prior to the date of the hearing**.
 - c) Make twelve (12) copies of the completed application packet (All items referenced in item 3 including plans approved by City Engineer). Place each of the 11 copies in a **separate**, large envelope, and mark "**Board Members.**" Deliver the copies to the Secretary of the Board, Joseph J. Conte, Esq. at 152 Harrison Avenue, Garfield, New Jersey 07026.
 - d) Provide the Secretary of the Board with your notarized, Proof of Service, **at least five days prior to the date of the hearing date**.

IMPORTANT NOTES:

All documents described above must be fully completed and submitted to the Secretary of the Board no later than six weeks prior to a schedule meeting.

Only applications containing all the above information will be accepted. Incomplete applications will delay your hearing.

Applications will not be deemed complete until all required documents are received and reviewed by

both the Secretary of the Board and City Engineer and/or City Planner. You will receive a review letter from the City Engineer and/or City Planner advising you of any additional documents, plans, amendments, etc., required to bring your application to a complete status.

Do not publish or send out any notices until advised to do so by the Secretary of the Board. You will only receive such advice when your application has been deemed complete.

All notices must be published or served at least 10 days before the hearing date

APPLICATION FOR HEARING
City of Garfield
Zoning Board of Adjustment

Applicant / Property Location

Street Address _____ Block # _____ Lot # _____

Applicant _____

Address _____

Phone # _____ Fax # _____ E-mail _____

Type of Application: (Check all that apply)

___ Appeal of Zoning Officer's Decision; ___ Interpretation of Zoning Map or Regulations;

___ Bulk Variance(s); ___ Use Variance; ___ Site Plan Review; ___ Sub-division; ___ Other

Project Details:

Use district (Zone) _____

Present use or occupancy of each floor: _____

Proposed use or occupancy of each floor: _____

Size of lot _____ Corner or interior _____

On how many streets does lot have frontage _____

Size of Building (at street level) _____ width _____ depth _____

Height of Building _____ stories _____ feet

Set back from front property line _____ feet from side line, if corner lot _____

Other relevant details not provided for in foregoing _____

Please provide a brief description of the proposed project and relief sought, or if this is an appeal of a decision of a zoning officer, the grounds therefore: _____

Property History:

Has there been any previous hearing, either before the Zoning or Planning Boards, involving these premises? _____

If so state (a) Relief requested _____

(b) Date Filed _____ (c) Disposition _____

Completed Certification of Construction Official must be attached, along with a copy of all prior resolutions, whether granted or denied.

Applicant's Professionals:

Attorney: _____

Address: _____

Phone # _____ Fax # _____ E-mail _____

Architect: _____

Address: _____

Phone # _____ Fax # _____ E-mail _____

Engineer: _____

Address: _____

Phone # _____ Fax # _____ E-mail _____

Planner: _____

Address: _____

Phone # _____ Fax # _____ E-mail _____

Other: _____

Field of Expertise: _____

Address: _____

Phone # _____ Fax # _____ E-mail _____

Other: _____

Field of Expertise: _____

Address: _____

Phone # _____ Fax # _____ E-mail _____

I hereby grant authorization to any member of the Board, as well as to any of its professionals, to visit and access the subject property, both the interior and exterior. If requested by any of the foregoing parties, upon reasonable notice, I will arrange to provide access to any part of the interior of the property at a mutually agreeable time.

I acknowledge that the statutory reporting period shall not begin to run until this application and accompanying plans are complete in all respects. We acknowledge and agree that if this application is not completed within one year of the date of filing, it will be subject to administrative dismissal without prejudice.

I certify that the foregoing information, as well as the information contained on all exhibits and attachments submitted herewith are true. I further certify that I am the individual applicant or that I am a duly authorized officer of a corporate applicant, a general partner of a partnership applicant, or a managing member of an LLC applicant.

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

Applicant

A Notary Public/Attorney at Law of the State of New Jersey
My commission expires: _____

Applicant

(If the applicant is not the owner)

I certify that I am the owner of the subject property, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision rendered by the Board in the same manner as if I were the applicant.

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

Owner

Notary Public / Attorney at Law of the State of New Jersey
My commission expires: _____

Owner

SCHEDULE OF FEES AND ESCROW
 City of Garfield
 Zoning Board of Adjustment

Re: Applicant _____ File # _____
 Owner's Name _____
 Property Address _____
 Block # _____ Lot # _____

SCHEDULE OF APPLICATION FEES

1. One Family Dwelling	\$125.00	\$ _____
2. Two Family Dwelling	\$150.00	\$ _____
3. Multi-Family Dwelling	\$175.00	\$ _____
	\$50.00 x _____ (each over 3 units) =	\$ _____
4. Commercial	\$200.00	\$ _____
5. Business	\$200.00	\$ _____
6. Conditional Use (residential)	\$150.00	\$ _____
7. Conditional Use (commercial)	\$200.00	\$ _____
8. Conditional Use (business)	\$200.00	\$ _____
9. Fences & Parking (residential)	\$150.00	\$ _____
10. Fences & Parking (commercial)	\$150.00	\$ _____
11. Other	\$150.00	\$ _____
12. Site plan review fees (see attached schedule)		\$ _____
13. Preparation of Resolution		\$ <u>75.00</u>
14. Cost of Publication		\$ <u>25.00</u>
TOTAL FILING FEES		\$ _____

SCHEDULE OF ESCROW

1. Engineering Escrow Fee	\$1,500.00	\$ _____
2. Attorney's Escrow Fee	\$750.00	\$ _____
3. Developer's Agreement Fee*	\$1,500.00	\$ _____
(*only required when advised by Secretary of the Board)		
TOTAL ESCROW FEES		\$ _____

Filing fees and escrow fees must be paid by **separate checks**, made payable to the **City of Garfield**, and deposited with the City Treasurer's office, located at City Hall, 111 Outwater Lane, Garfield, NJ 07026

===== **FOR OFFICE USE ONLY** =====

Acknowledge receipt of the above sum of filing fees and the above sum of escrow deposits on this _____ day of _____, 20__

 TREASURER, CITY OF GARFIELD

SCHEDULE OF SITE PLAN and SUB-DIVISION REVIEW FEES
 (Site plan fees not applicable to one-family and two-family residences)

1. Preliminary Site Plans

- a) Multi-Family Residential Dwelling
 \$200.00 and \$10.00 per unit \$ _____
- b) All other site plan approvals
 \$100.00 and \$10.00 per 1,000 square feet of gross floor area \$ _____

2. Final Site Plans

- a) Multi-Family Residential Dwelling
 \$5.00 per unit (minimum fee - \$100.00) \$ _____
- b) All other site plan approvals
 \$5.00 per 1,000 square feet of gross floor area
 (minimum fee - \$100.00) \$ _____

3. Simultaneous Preliminary and Final Site Plans

- a) Multi-Family Residential Dwelling
 \$250.00 and \$10.00 per unit \$ _____
- b) All other site plan approvals
 \$15.00 per 1,000 square feet of gross floor area
 (minimum fee - \$150.00) \$ _____

4. Amended Site Plan Applications \$75.00 \$ _____

5. Subdivisions

- a) Minor residential
 \$25.00 and \$25.00 per proposed lot \$ _____
- b) Minor commercial or industrial
 \$100.00 and \$25.00 per proposed lot \$ _____
- c) Major, preliminary and final
 \$100.00 and \$25.00 per proposed lot \$ _____

DISCLOSURE STATEMENT
City of Garfield
Zoning Board of Adjustment

The names and addresses of all persons owning 10% or more of the stock of a corporate applicant, or a 10% or more interest in any partnership or LLC applicant must be disclosed. All such entities shall list the names and addresses of its stockholders, members or partners, as the case may be, and this requirement shall be followed by every corporate stockholder, partner in a partnership, or member in an LLC, until the names and addresses of the non-corporate stockholders and individual partners or members, exceeding the 10% ownership criterion, have been listed. For purposes of this disclosure, interests owned by a spouse, any descendant or spouse thereof, or any ancestor or spouse thereof, shall be attributed to each other to determine whether the 10% threshold is met.

Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____

If the applicant is not the owner, please provide the owner's information:

Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____

**NOTICE TO BE SERVED ON OWNERS
OF PROPERTY AFFECTED BY APPLICATION**
City of Garfield
Zoning Board of Adjustment

Please Take Notice:

That the undersigned has filed an appeal or application for development with the Zoning Board of Adjustment for a variation from the requirements of the Zoning Ordinance so as to permit

and which requires the following variances: _____

on the premises known as _____ and designated as Block _____,

Lot _____, on the City's tax map. This notice is sent to you as an owner of property in the immediate vicinity.

A public hearing has been ordered for _____, 20_____, at 7:30 p.m. in the Council Chambers, second floor, City Hall, 111 Outwater Lane, Garfield, N.J. When the case is called, you may appear either in person, or attorney, and present any objections which you may have to the granting of the relief sought in this application.

This notice is sent to you by the applicant, by order of the Board of Adjustment.

A copy of the application is on file with the Zoning Officer, City Hall, Garfield, New Jersey, and available for inspection between the hours of 9:00 AM and 4:00 PM.

Respectfully,

Applicant

NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER
City of Garfield
Zoning Board of Adjustment

Please Take Notice that a public hearing before the Garfield Zoning Board of Adjustment has been

ordered for _____, 20_____, at 7:30 p.m. in the Council Chambers, second floor, City Hall, 111 Outwater Lane, Garfield, N.J., on the appeal or application for development of the undersigned for a variation from the requirements of the Zoning Ordinance so as to permit _____

and which requires the following variances: _____

on the premises known as _____ and designated as Block _____, Lot _____, on the City's tax map.

A copy of the application is on file with the Zoning Officer, City Hall, Garfield, New Jersey, and available for inspection between the hours of 9:00 AM and 4:00 P.M.

Any interested party may appear at said hearing and participate therein in accordance with the rules of the Garfield Zoning Board of Adjustment.

Applicant

Publication Date: _____

CERTIFICATION BY CONSTRUCTION OFFICIAL
City of Garfield
Zoning Board of Adjustment

Applicant / Property Location:

Street Address _____ Block # _____ Lot # _____

Applicant _____

Address _____

I have reviewed the subject property's file.

_____ There were no prior actions, concerning the subject property, taken by either the Garfield Zoning Board of Adjustment or Garfield Planning Board.

_____ There were prior actions, concerning the subject property, taken by either the Garfield Zoning Board of Adjustment or Garfield Planning Board. The following resolutions were passed and copies are attached hereto:

	Resolution Number	Date
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

Gerald J. Walis
Construction Official

Dated: _____

(NOTE: The applicant is responsible for the cost of making copies of any resolutions obtained from the Building Department.)