

RULES AND REGULATIONS OF THE
CRESSKILL ZONING BOARD OF ADJUSTMENT

Check-Off List

This Check-off list summarizes the actions that must be taken to schedule a hearing with the Cresskill Zoning Board of Adjustment. Please refer to the attached Rules and Regulations of the Cresskill Zoning Board for further details.

To schedule a hearing with the Cresskill Zoning Board of Adjustment the following actions must take place **on or before the 10th day** preceding the meeting of the zoning board.

1. Review by the Cresskill construction official of the proposed plans. If a variance is required, the construction official will issue a letter of denial to the Zoning Board of Adjustment with a copy to the applicant. ☐
2. Notice of the Hearing sent to property owners within 200 feet..... ☐
3. Public notice of the hearing published in an official newspaper of the municipality..... ☐
4. All fees and escrow deposits paid to the borough clerk..... ☐
5. The following documents must be completed and submitted to the borough clerk **on or before the 10th day** preceding the meeting of the zoning board..... ☐
 - a. Letter of Denial from the Cresskill Construction Official (14 copies)..... ☐
 - b. Application to the Board of Adjustment (See Rules and Regulations, Para. 2 (a), (b) and (c)) completed and notarized (14 copies)..... ☐
 - c. Schedule of Proposed Construction (14 copies) ☐
 - d. A Site Plan based upon, and referencing, a survey (See Rules and Regulations, Para. 2 (c) for requirements) 14 copies)..... ☐
 - e. Owner's Affidavit / Authorization. Completed and notarized (original)..... ☐
 - f. Affidavit of Service. Completed and notarized (original)..... ☐
 - g. Owner and Address Report within 200 feet (1 copy)..... ☐
 - h. Proof of Publication (1 copy)..... ☐
 - i. Completed copy of 'Notice to Property Owners Within 200 Feet' (1 copy) ☐
 - j. Certified Mail Receipts (1 copy)..... ☐
 - k. Street Plan showing location of property (1 copy)..... ☐

RULES AND REGULATIONS OF THE
CRESSKILL ZONING BOARD OF ADJUSTMENT

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1. Meetings

All regular meetings of the board shall be held on the fourth Thursday of each month at 7:30 p.m. at the Borough Hall unless an alternate time and place shall be designated by resolution.

2. Applications for Development

(a) All applications for development and other relief addressed to the original jurisdiction of the Cresskill Zoning Board of Adjustment ("the Board") shall be initiated by the appearance of the applicant or his duly authorized representative at the Cresskill Building Department for the submission of the applicant's construction proposal. Upon review of the applicant's construction proposal and the issuance of a "Letter of Denial" to the applicant, the applicant shall be provided a list of the variances required in connection with the construction proposal and directed to the Cresskill Borough office for forms of application, instructions and the Rules and Regulations of the Board. The applicant shall also be provided a list of the upcoming Board hearing dates.

(b) Fourteen sets of the application, together with fourteen copies of such supporting papers as may be required by the board shall be filed with the secretary of the board through the borough clerk's office **at least ten days prior to the hearing date**. The borough clerk shall retain one set thereof and make same available for public inspection and shall transmit the remaining sets to the board secretary. An application will not be heard unless all papers are in order and have been timely filed; and all fees and escrow deposits have been paid.

(c) An application must be supported by a Schedule of Proposed Construction (14 copies) using the form provided by the Board and a Site Plan (14 copies) based upon and referencing a survey (14 copies) drawn by a licensed professional, which shall include the proposed new construction, the existing construction, all man made coverage, and show relevant measurements and variances, as well as, any other information the applicant feels is relevant to the application. The Site Plan and/or survey need not be original, current or prepared by a professional specifically for the application; however, if a copy of a Site Plan or survey is submitted, it must be clear and legible, including all relevant measurements which shall be to scale; and, the Applicant must submit an Affidavit of No Change, which states in pertinent part, that the Site Plan or survey accurately reflects all existing structures on, and improvements to the property as of the date of the application.

3. Appeals

Appeals to the board from any decision of an administrative officer of the municipality based on, or made in the enforcement of, the zoning ordinance or official map shall be taken by filing an appeal with such administrative officer and three copies thereof with the secretary of the board through the borough clerk's office. The board shall thereafter notify such party of the hearing date upon the appeal.

4. Fees and Escrow Deposits

Applicants are required to pay a fee of \$30 to the borough clerk in connection with bulk variances and \$50 in connection with use variances. In addition, a fee of \$10 must be paid to obtain a certified list of property owners to be served with notices. An escrow deposit in the sum of \$150 or such other sum the board may determine, but in no event to exceed \$450, is also required to be paid. Such escrow deposit shall be applied toward legal and engineering expenses incurred by the board.

5. Notice of Hearing

(a) Notice of the hearing upon an application for development shall be given in accordance with the Municipal Land Use Law, R.S. 40:55D-1 et seq. And Article III, Section 6 of Cresskill Ordinance No. 77-1-696 by personal service or certified mail upon property owners within 200 feet in all directions of the subject property, both within and without the municipality and, where applicable, upon the clerk or clerks of adjoining municipalities, the Bergen County Planning Board, the Director of the Division of State and Regional Planning in the Department of Community Affairs and/or such person or agencies upon whom such notice is required by the law to be served. This may include Rockland Electric Company, Public Service Electric & Gas, CableVision, Suez Water New Jersey.

(b) A list of all property owners in the Borough of Cresskill within 200 feet of the subject property and their addresses shall be furnished to applicants or their representatives by the Tax Assessor within seven days after request therefore and the payment of a fee of \$10. Where notice must be given to property owners in adjoining municipalities the applicant must arrange to obtain the necessary names and addresses of such property owners by his own efforts.

(c) Public notice of the hearing upon an application for development shall be published once in one of the official newspapers of the municipality no less than ten days prior to the date of the scheduled hearing. The public will be able to review the file during that time.

(d) All notices requires to be given shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address and by reference to lot and block numbers as shown on the current tax duplicate map in the municipal Tax Assessor's office, and the location and times at which the application and supporting papers may be examined.

(e) Affidavits of service and publication shall be furnished to the Board by submitting them to the secretary of the Board *10 days* prior to the commencement of the hearing.

6. Conduct of Hearings

- (a) Individual applicants may appear in person or through an attorney; corporate applicants must appear through an attorney. Builders, brokers, architects and other experts may not represent applicants but may testify on their behalf in their field of expertise. All witnesses shall be sworn.
- (b) Prior to the commencement of the hearing the secretary shall advise the Board whether the application and the supporting papers, including the affidavits of service and publication, are in order.
- (c) Prior to the submission of proofs the applicant may make an opening statement outlining the nature of the proceedings and summarizing the testimony and other evidence which he proposes to introduce. The chairman may thereupon amplify or restate the case if, in his opinion, the applicant's statement requires clarification.
- (d) Evidence shall be presented in the following order:
 - (1) The Applicant shall present his proofs.
 - (2) Objectors may cross-examine the applicant and his witnesses upon completion of direct examination.
 - (3) The Board may examine the Applicant and his witnesses.
 - (4) The Objectors may testify and present evidence.
 - (5) The Applicant may cross-examine the Objectors and their witnesses.
 - (6) The Board may examine the Objectors and their witnesses.
 - (7) Rebuttal testimony by the Objectors shall be permitted.
 - (8) Rebuttal testimony by the Applicant shall be permitted.
 - (9) Evidence may be submitted by or on behalf of the board.
- (e) The chairman shall thereafter close the public hearing and entertain discussion among the Board members for purposes of having their tentative view stated for the record.

7. Decision of Board: Findings and Conclusions

- (a) Subsequent to the conclusion of the hearing the Board shall render its decision and shall adopt appropriate findings of fact and conclusions of law. Such decision shall normally be rendered at the meeting of the Board immediately subsequent to the hearing and in any event within 120 days from the date of the filing of a complete application for development or an appeal from the decision of an administrative officer, provided, however, that in appropriate situation the time within which the Board must decide the application or appeal may be extended by waiver and provided further that a resolution of memorialization may be adopted with the time permitted by N.J.S. 40:55d.10(g), as amended.

(b) Inquiries as to whether a proposed land use is permissible under the zoning ordinance or official zoning map shall be decided within 45 days after the next meeting following receipt of the request or within such additional time as may be consented to by the inquirer.

(c) A copy of the decision of the Board shall be mailed to the applicant within 10 days of the date of the approval of the Board of the memorializing resolution prepared by the attorney, and a brief notice of all final decisions shall, within ten days of the date of such decision, be mailed by the Board or by the Borough Clerk on behalf of the Board to one of the official newspapers of the municipality for publication.

8. Hearings Carried to Subsequent Zoning Board Meeting

In the event that a hearing of an application is extended or postponed to a subsequent meeting of the Board, fourteen copies of any revised or new site plans and/or other revised/new supporting documents shall be filed with the secretary of the board through the borough clerk's office at least ten days prior to the hearing date.

Unless otherwise determined by the Board, re-notification to property owners within 200 feet and publication in one of the official newspapers is not required.

APPLICATION TO THE BOARD OF ADJUSTMENT
BOROUGH OF CRESSKILL, NEW JERSEY

No. _____

For Board Use Only

Filing Date _____ Disposition Date _____
(Submission of all required papers)
120 days from filing date _____ Disposition _____
Hearing Date(s) _____

Application is hereby made for an exception to or variance from the Zoning Ordinance. If Additional and/or different relief is sought, i.e, subdivision, site plan approval, appeal from Administrative officer, etc., set forth appropriate details.

1. Location of Property:

Street Address _____
Block _____ Lot(s) _____

2. Present Owner(s)

Name _____
Address _____
Telephone Number _____

3. Applicant (if different from present owner)

Name _____
Address _____
Telephone Number _____
Status: () contract purchaser () attorney () tenant () others _____

4. Description of Property:

- A. Size of tract
Front _____ Rear _____ Sides _____
- B. Check and give size of proposed building or addition
() House _____
() Garage _____
() Room _____
() Other (describe) _____
- C. Height of building _____ Number of stories _____
- D. Type of construction: () Frame () Brick () Other _____
- E. Present use of premises _____
- E. Proposed use of premises _____

APPLICATION TO THE BOARD OF ADJUSTMENT
BOROUGH OF CRESSKILL, NEW JERSEY

5. Zoning of Premises:

- | | |
|--|---|
| <input type="checkbox"/> R-40 Residential | <input type="checkbox"/> R-15 Residential |
| <input type="checkbox"/> R-10 Residential | <input type="checkbox"/> M-80 Light Manufacturing |
| <input type="checkbox"/> P Professional | |
| <input type="checkbox"/> P&L Professional Offices and Research Design and Development Laboratories | |
| <input type="checkbox"/> RA Residential Apartments | |
| <input type="checkbox"/> Other (specify) _____ | |

6. Give a full description of variances requested by filling out the attached tabulation of this information on the zoning guide form.

- (a) List out the variance(s) required that are shown in table above. This will be used in _____ your newspaper announcement of the variance request. See the attached sample of the wording for the legal advertisement.

7. With respect to each variance requested set forth in detail the requirement(s) of the zoning ordinance and the extent to which the proposed structure or use fails to comply therewith.

8. To your knowledge, has any previous application involving the subject premises been taken to the Board of Adjustment or the Planning Board?

- ☐ Yes ☐ No

If yes, state

- (a) by whom filed _____
(b) date filed _____
(c) nature of application _____
(d) result _____

9. Distances from the structure to adjoining structures.

Sworn and subscribed to)
before me this day)
of , 20) _____
Signature(s) of Applicant(s)

Notary Public of New Jersey

APPLICATION TO THE BOARD OF ADJUSTMENT
BOROUGH OF CRESSKILL, NEW JERSEY

IMPORTANT

The following papers must be submitted:

1. Fourteen copies of application and owner's affidavit/authorization.
2. Fourteen copies of survey and/or plot plan showing (a) dimensions of existing and proposed structures (including alterations) and (b) distances to lot lines.
3. Diagram of properties within 200 feet of subject property. (Copy of applicable portions of tax map may be submitted.)
4. Official list of property owners within 200 feet of subject property.
5. Affidavits of service and publication together with copy of notice served and published.

Important Information

County Roads in Cresskill:

- County Road
- Knickerbocker Road
- Piermont Road
- Madison Avenue
- Union Avenue

Bergen County Planning Board
1 Bergen County Plaza, Room 415
Hackensack, NJ 07601-7076
T: (201) 336-6446

The following utilities must also be notified when applying for a variance:

Veolia Water NJ
461 From Road, Suite 400
Paramus, NJ 07652

Cablevision
5 Legion Drive
Cresskill, NJ 07626

Rockland Electric Company
390 W. Route 59
Spring Valley, NY 10977

Public Service Electric and Gas
80 Park Plaza
Newark, NJ 07101

Verizon
Consult your phonebook

If you are living within 200 feet of a municipal boundary, a list of owner's names in the other town living within the 200 foot distance must be obtained from the town clerk of that municipality:

Alpine
100 Church Street

Tenafly
100 Riveredge Road

Bergenfield
198 N. Washington Avenue

Demarest
118 Serpentine Road

Dumont
50 Washington Avenue

IMPORTANT INFORMATION

Variances fall into two classifications, namely bulk and use.

- a. *Bulk Variances* deal with matters such as insufficient setback, undersized lots, alterations to a non-conforming use, or any item which conflict with the designated zoning of the property in question.
- b. *Use Variances* deal with matters such as operating a two-family house in a one-family district, operating a retail store in an industrial district or any case which is in conflict with the designated zoning of the property in question

Consult a copy of the Cresskill Zoning Law if there are any questions.

Corner houses have 2 front yards, one side yard at the owner's choice and the other side yard is called the backyard.

**BOROUGH OF CRESSKILL
ZONING BOARD OF ADJUSTMENT
SCHEDULE OF PROPOSED CONSTRUCTION**

Type of Construction _____

Zone Type _____

	<u>Ordinance Requirement</u>	<u>Existing</u>	<u>Proposed</u>	<u>Proposed Variance</u>
Density	_____	_____	_____	_____
Front Yard Set Back	_____	_____	_____	_____
Side Yard Abutting/ Lot	_____	_____	_____	_____
Combined Side Yard	_____	_____	_____	_____
Rear Yard Set Back	_____	_____	_____	_____
Max. Livable Fl. Area (FAR)	_____	_____	_____	_____
Lot Frontage	_____	_____	_____	_____
Lot Depth	_____	_____	_____	_____
Bldg.Coverage %	_____	_____	_____	_____
Impervious Coverage %	_____	_____	_____	_____
Height of Building	_____	_____	_____	_____
Lot Area	_____	_____	_____	_____

Other Items _____

BOROUGH OF CRESSKILL
Notice to Property Owners Within 200 Feet

Please take notice that the undersigned, as owner(s) or agent of the owner(s) of premises known as _____, Cresskill, New Jersey, also known as Block _____, Lots(s) _____ on the tax map, will on Thursday, _____, at 7:30 P.M. make application to the Cresskill Zoning Board of Adjustment at the Borough Hall, Cresskill, New Jersey, for a variance(s) to erect _____ upon the _____ (north, south, east, west) side of said premises.

The required variance(s) is/are as follows:

	<u>Ordinance Requirement</u>	<u>Existing</u>	<u>Proposed</u>	<u>Proposed Variance</u>
Density	_____	_____	_____	_____
Front Yard Set Back	_____	_____	_____	_____
Side Yard Abutting/ Lot	_____	_____	_____	_____
Combined Side Yard	_____	_____	_____	_____
Rear Yard Set Back	_____	_____	_____	_____
Max. Livable Fl. Area (FAR)	_____	_____	_____	_____
Lot Frontage	_____	_____	_____	_____
Lot Depth	_____	_____	_____	_____
Bldg.Coverage %	_____	_____	_____	_____
Impervious Coverage %	_____	_____	_____	_____
Height of Building	_____	_____	_____	_____
Lot Area	_____	_____	_____	_____
Other Items	_____			

Or such other relief as the Board may require.

You are being notified of the application as owner(s) of property within 200 feet of the subject premises in order that you may attend the hearing in person or through your attorney to make your objections, if any, known to the Board.

A copy of the application and supporting documentations are on file with the Secretary of the Board of Adjustment at the Municipal Building and are available for inspection during business hours (8:30a.m. through 4:30 p.m.)

Date

Signature of owner(s) or agent of owner(s)

AFFIDAVIT OF SERVICE

Application of _____

Property address _____

STATE OF NEW JERSEY)
COUNTY OF BERGEN) SS:

_____, being duly sworn
according to law, upon his/her oath deposes and says:

1. I served notice of the time and place appointed for the hearing of the above application upon all property owners within 200 feet of the subject property by mailing same to them at their address as shown on the current tax duplicate by certified mail, postage prepaid, at the United States Post Office, _____, NJ or by serving said notice upon them personally. A copy of said notice is attached hereto.

2. Said notice was served by certified mail as aforesaid upon the following property owners on the dates shown:

Date	Name and Address of Property Owner
(Attach list and indicate manner of service.)	

3. Said notice was served personally upon the following property owners on the dates shown:

Date	Name and Address of Property Owner
(Attach list and indicate manner of service.)	

4. In addition service of said notice was made on _____ (insert date) by certified mail/personally (strike one), upon the Borough Clerk of _____ and upon the Secretary of the Bergen County Planning Board, 29 Linden Street, Hackensack, NJ 07601.

(Note: Complete this paragraph only where applicable.)

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

Signature of Applicant(s)

A Notary Public of the State of New Jersey

BOROUGH OF CRESSKILL

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT

PLEASE TAKE NOTICE that application has been made by _____ for a variance from the requirements of the Zoning Ordinances of the Borough of Cresskill to permit

at premises known as BLOCK _____ LOT _____ having a street address of _____, New Jersey and that a public hearing on such application will be held by the Board of Adjustment on the _____ day of _____, at _____ p.m. at _____ the _____, New Jersey.

A copy of the application and supporting documentations are on file with the Secretary of the Board of Adjustment at the Municipal Building and are available for inspection during business hours (_____ a.m. through _____ p.m.)

Interested residents, if desired, can appear before the Zoning Board of Adjustment at the above stated time and place, either in person or through an agent or attorney, to comment on the application.

Name of Applicant
or Attorney

**BOROUGH OF CRESSKILL
BOARD OF ADJUSTMENT**

OWNER'S AFFIDAVIT / AUTHORIZATION – INDIVIDUAL

STATE OF NEW JERSEY)

COUNTY OF BERGEN) SS:

_____ of full age, being duly sworn
according to law, upon his (her) (their) oath, depose(s) and say(s):

1. I (we) am (are) the owner(s) of the premises in the Borough of Cresskill known as _____ and also known as Block _____ Lot _____ on the tax map.

2. I (we) waive the right to obtain a decision within the time required by the New Jersey Land Use Law.

Complete No. 3 below if application is made by other than the owner(s).

3. My (our) () contract purchaser () attorney () tenant
Street _____ City _____ State _____
Is hereby authorized and empowered to make application to the Board of Adjustment of the Borough of Cresskill on my (our) behalf, and I (we) agree to be bound by the decision of the Board, including all terms and conditions made a part thereof.

4. I (we) have not authorized any other person to make application on my (our) behalf.

5. All Taxes on the subject property are paid to date.

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

Signature of Applicant(s)

A Notary Public of the State of New Jersey