



BOROUGH OF MOUNTAINSIDE

1385 ROUTE 22
MOUNTAINSIDE, NEW JERSEY 07092

www.mountainside-nj.com
TEL (908) 232-2400
FAX (908) 232-6831

BOARD of ADJUSTMENT APPLICATION INSTRUCTIONS

WHERE TO BEGIN

- Copies of the application may be obtained from the Planning/Zoning Office. If your matter requires County Planning Board approval, you may obtain a copy of their application form at mountainside-nj.com/planning.
- If your application requires public notice, (see "Required Notices" below) a request for a Certified List of Property Owners within a 200' radius of the subject property should also be submitted along with a check for \$10 payable to the Borough of Mountainside. (**FORM ATTACHED**).

IMPORTANT DATES

- Meetings are held on the **4th Tuesday** of each month, except as otherwise noticed. Refer to the website for meeting dates. **DO NOT publish Notice until agenda placement has been confirmed.**

SUBMISSION REQUIREMENTS

Included in your application packet are checklists setting forth the submission requirements. All materials must be collated. **Uncollated materials will be returned.**

- **INITIAL SUBMISSION - 2 COPIES** of application & plans, **ATTN: BOARD SECRETARY.**
- **COMPLETENESS** - Within 45 days of receipt, you will be notified that the application is either (a) complete; or (2) incomplete, stating the reasons and/or omissions for the determination. *If directed to resubmit revised plans, start again at 'initial submission.'* **REVISED PLANS/MATERIALS SHOULD BE PROMINENTLY MARKED AS SUCH.**
- **FINAL SUBMISSION** - Once you have been notified that the application has been deemed complete and scheduled for hearing, submit another **13 COLLATED COPIES.**
- Notice of the hearing must be published and Notices mailed at least ten (10) days prior to the date of the Hearing, not including the date of the hearing (See "Required Notices" below).

ESCROW

- **Escrow accounts must be kept current in order to avoid delays/interruptions in the review/approval/permitting process and must be maintained until a final sign off is issued by the Board Engineer.**
- If you receive a Notice of deficiency, payment is expected immediately. You should receive advice copies of any bills applied against the account from the respective billers.

REQUIRED NOTICES

You must supply both Proof of Notice and Proof of Service at least (3) days prior to the Hearing date where public notice is required (See "Instructions for Notice Where Required by Law" below).

INSTRUCTIONS FOR NOTICE WHERE REQUIRED BY LAW

PUBLICATION

- **Publish Notice of the scheduled hearing** in one of the official Newspapers at least ten (10) days prior to the scheduled hearing date, not including the date of the hearing. It is your responsibility to word the Notice so as to advise the public of the exact nature of the application/relief being sought. (See sample "Public Notice").
- **Supply an Affidavit of Publication** demonstrating proof of proper and timely publication of the Notice as required by law. The affidavit should include a copy of the actual Notice and should be provided at least (3) days prior to the scheduled hearing.

SERVICE UPON INTERESTED PARTIES

- **You must obtain a certified list of property owners within 200' of the subject property from the Borough.** Formal Notice of the scheduled hearing must be made via personal service or certified mail to everyone on the certified list 10 days prior to the hearing, (not including the date of the hearing). Notice must also be made to the following:
 - ✓ If property is within 200' of an adjoining municipality, then a list of property owners within that municipality that are within 200' of the subject property must be obtained from the adjoining municipality/municipalities and notice given. In such cases, Notice must ALSO be given to the Municipal Clerk of the adjoining municipality AND the Union County Planning Board.
 - ✓ If property is on a County road, then Notice to the Union County Planning Board is required.
 - ✓ If property is adjacent to a state highway, then Notice must be given to the State Commissioner of Transportation.
 - ✓ If the application involves property exceeding 150 acres or 500 dwelling units, then Notice must be given to the Director of the Division of State and Regional Planning in the Department of Community Affairs. In this instance, Notice shall include a copy of all maps or documents required to be on file with the Board.
 - ✓ Notice must be given to any public utility which has registered with the municipality. **The names of such public utilities will be provided by the Borough with the 200 Foot List.**
- **You must supply an Affidavit of Service along with proof of mailing (certified mail receipts)** demonstrating that proper Notice has been made to all persons entitled to receive it as required by law. This affidavit, along with certified mail receipts should also be provided at least (3) days prior to the scheduled hearing. If notice is made by personal service, signatures of the property owners on the certified list along with date received must be provided.

POST APPROVAL

- The findings of the Board will be memorialized in a Resolution no later than 45 days after the date of the meeting during which the Board made a decision. A copy will be sent to you.
- A formal Notice of Decision will be published in the official newspaper of the Township **by the Board Secretary**. There is a 45 day waiting period post publication during which objections from the public can be heard.
- It is your responsibility to ensure compliance with all terms and conditions of the Resolution. **All conditions must be met prior to obtaining construction permits.** Examples may include (but are not limited to) submission of revised plans, recording of easements, posting of bonds/inspection escrows.
- Once all conditions of approval have been met, you are responsible for submitting a resolution compliance package to the Board Engineer. Upon approval of compliance, the Township Engineer will issue a sign off at which time any funds remaining in escrow are eligible for refund.

HEARING PROTOCOL

- The applicant AND property owner must attend the hearing and be prepared to present testimony in support of the application.
- If the applicant is a corporate entity, they **must** be represented by an attorney.
- If expert witnesses are present, the applicant may be required to supply a certified shorthand reporter and/or recording/transcript at the sole expense of the applicant.
- No new witnesses will be heard after 11PM. A witness testifying at the time will be permitted to continue. Any applications which are not completed by 11PM will be carried to the next meeting.
- Postponement requests must be submitted in writing.

CHECKLIST

- Requested 200 Ft List from Board Secretary with \$10 fee
- Confirmed whether outside agency approval is necessary & made submission(s)
- Submitted 2 Collated copies of application packets and an ADDITIONAL 13 copies upon determination of completeness
- Supplied and Affidavit of Publication from the newspaper showing the notice as published and confirmed that they would you; not the Borough of Mountainside
- Supplied an Affidavit of Proof of Service upon interested parties and supplied the WHITE certified cards (at least 3 days prior to the hearing date)
- Submitted Fee and Escrow

INSTRUCTIONS FOR PUBLIC NOTICE

PUBLICATION

- Publish Notice of the scheduled hearing in one of the official Newspapers - Local Source, The Star Ledger, Westfield Leader and Courier News.
- Required to be published at least ten (10) days prior to the scheduled hearing date, not including the date of the hearing. It is your responsibility to word the Notice so as to advise the public of the exact nature of the application/relief being sought.
- Supply an Affidavit of Publication demonstrating proof of proper and timely publication of the Notice as required by law. The affidavit should include a copy of the actual Notice and should be provided at least (3) days prior to the scheduled hearing. This can be requested from the newspaper.

NEW WORKSHEET:

A worksheet has recently been introduced for Mountainside residents in The Westfield leader for notice to public. See Mountainside worksheet at this link: https://www.goleader.com/form/legal_notice.htm

The form is pre-populated and you only need to input certain details (instead of writing up the entire notice). Needs to be submitted by Friday to publish it the following Thursday..