

**ZONING BOARD OF ADJUSTMENT  
BOROUGH OF MOUNTAIN LAKES, NEW JERSEY**

**CHECKLIST**  
Section 245-22

1. Application Form - **Original and 13 copies** with all items completed.
2. Fee required by Land Use Ordinances, section 111-3H.
3. If appeal, copy of Construction Official or Zoning Officer's decision from which this appeal is being taken.
4. Certification of Tax Collector that taxes have been paid.
5. **Original and thirteen copies of plot plan, current survey and area map.**  
The application must be ready for public inspection in the administrator's office 10 days before the hearing. The original survey should be brought to hearing. The plan must include the following:
  - a. Lot lines, with dimensions shown on a current survey prepared by a licensed professional surveyor, engineer, architect or landscape architect in the state of NJ
  - b. Tax block and Lot numbers
  - c. Zoning District
  - d. Name of road/roads on which the property fronts
  - e. Easements, right-of- way, if any, and zone boundaries
  - f. Location of streams, wetlands and freshwater wetlands
  - g. Topographical Information
  - h. Location of all existing buildings, proposed structures or changes showing front, rear and side yard dimensions and distance from buildings and accessory structures to property lines.
  - i. Architectural elevations and floor plans, including structural height of proposed addition or new building
  - j. Building area allowed - draw lines showing required front, rear and side yard setbacks
  - k. Location, arrangement and dimensions of parking area, driveway, patios etc.
  - l. Names of adjoining property owners with lot and block designation
  - m. Location of all buildings on all adjoining properties including setbacks
  - n. Zoning Compliance Chart
  - o. Historic Preservation Checklist for Certification delivered to Historic Preservation Committee.
6. One copy of Notice Served, Affidavit of Service and List of Property Owners served, together with Certified Mail receipts, if applicable. Send or deliver to the Administrative Officer one week prior to the hearing.

ZONING BOARD OF ADJUSTMENT  
BOROUGH OF MOUNTAIN LAKES, NEW JERSEY

INSTRUCTIONS TO APPLICANT

The following are to be filed with the Administrative Officer **no later than 9:00 a.m. twenty-one days prior to the date of the meeting** at which the Board of Adjustment is to act on the application.

1. APPLICATION FORM

Please complete in full to avoid delay in processing your application. When necessary, supplement it with additional information to make it clear to the Board what relief is being sought.

If the applicant is not the owner, the owner must complete the affidavit of ownership. If this is an appeal, it must be filed with the Zoning Officer within 20 days, stating the reason for the appeal. The officer will transmit all papers filed with him on application to the Administrative Officer of the Board of Adjustment.

This application and thirteen copies should be submitted with the appropriate fee as noted below, together with a like number of supporting documents submitted with the application.

Fees: 111-3H\*

- |   |                       |
|---|-----------------------|
| 1. Appeals from decision of Construction Official or Zoning Officer.<br>Chapter 40-21A (1)  | \$250.00              |
| 2. C variances [N.J.S.A. 40:55D-70(c) for structural additions and alterations to the principle structure   | \$250.00 per variance |
| 3. C Variance [N.J.S.A. 40:55D-70(c) for non-structural additions and alterations to the principle structure such as decks, patios, compressors, etc. | \$150.00 per variance |
| 4. D Variance [N.J.S.A. 40:55D-70(d) (1) (2) (3)]   | \$500.00 per variance |
| 5. D Variance [N.J.S.A. 40:55D-70(d) (4) (5) (6)]   | \$250.00 per variance |
| 6. Interpretations  | \$250.00              |
| 7. Issuance of Permits [N.J.S.A. 40:55D-34]   | \$250.00              |
| 8. Escrow Fees:   |                       |
| Use Variance [N.J.S.A. 40:55D-70(d) (1) (2) (3)]  | \$1500.00             |
| Review and/or testimony by outside consultant   | \$3500.00             |
| Residential subdivision   | \$5000.00             |
| Nonresidential subdivision  | \$6000.00             |
| Residential Site Plan (single family)   | \$750.00              |
| Residential Site Plan (multi-unit) per unit   | \$1000.00             |
| Nonresidential Minor Site Plan  | \$6000.00             |
| Nonresidential Major Site Plan  | \$10,000.00           |
| 9. Subdivision, site plan or conditional use approval pursuant to Chapter 245-21A (7)<br>Same as Planning Board fees, Chapter 111-3G                  |                       |

10. Complied and certified list of property owners in Borough to whom applicants for variances are required to give notice \$10.00

When the applicant requests that an application be carried to another meeting, there shall be an additional charge of ten percent of the original fee paid.

\*Fees are subject to change and are as shown in Chapter 111-3 of the General Ordinances of the Borough of Mountain Lakes.

## 2. PLOT PLAN AND AREA MAP

You will need an **original and 13 copies** of the current survey, area map and plot plan drawn to scale. The Board prefers *full size plans (24" x 36")*. **Plans smaller than 11" x 17" are not permissible.** The site plans should be at least 30 scale, and the house plans should be at least 1/8" scale. If this is prepared by someone other than a surveyor, engineer, or architect, it must be accompanied by an affidavit by the owner certifying that all the information on the plan is correct.

The plan shall include:

- a. Lot lines, with dimensions shown on a current survey prepared by a licensed professional surveyor, engineer, architect or landscape architect in the state of NJ
- b. Tax block and Lot numbers
- c. Zoning District
- d. Name of road/roads on which the property fronts
- e. Easements, right-of- way, if any, and zone boundaries
- f. Location of streams, wetlands and freshwater wetlands
- g. Topographical Information
- h. Location of all existing buildings, proposed structures or changes showing front, rear and side yard dimensions and distance from buildings and accessory structures to property lines.
- i. Architectural elevations and floor plans, including structural height of proposed addition or new building
- j. Building area allowed - draw lines showing required front, rear and side yard setbacks
- k. Location, arrangement and dimensions of parking area, driveway, patios etc.
- l. Names of adjoining property owners with lot and block designation
- m. Location of all buildings on all adjoining properties including setbacks
- n. Zoning Compliance Chart
- o. Historic Preservation Checklist for Certification to the Historic Preservation Committee.

**If the applicant wishes relief from any of the items to be included on the plan they may request a waiver on the Check List submitted with their application.**

## 3. CHECK LIST

You will need an **original and 13 copies** of the Check List included with your application.

4. HISTORIC PRESERVATION

CHECK LIST & CERTIFICATION FOR ELIGIBILITY FOR BULK INCENTIVES

If the applicant is applying for a variance from Chapter 245-49, *Special zoning requirements for Contributing Dwellings*, the Check List and Certification for Eligibility for Bulk Incentives must be completed, sealed and certified by a licensed architect. An **original and 13 copies** of the certification signed off by the Zoning Officer should be included in the application.

5. AFFIDAVIT OF SERVICE - NOTICE TO PROPERTY OWNERS

A form is provided on page 8. Notice must be given to all owners of real property as shown in the current tax duplicate, located within 200 feet in all directions of the property, whether within or outside the Borough of Mountain Lakes, which is the subject of the hearing. Various other notices may be required if this involves other municipalities, county or state roads, unapproved roads, etc. (See Land Use Ordinances)

This notice must:

- State hearing date, time and place
- State the nature of the application
- Identification of the property proposed for development by street address, block and lot
- Show the location and times at which supporting documents may be available for inspection
- Be given at least 10 days prior to hearing date (the hearing date may not be counted)

Delivery of notice may be made:

- By Certified Mail to their latest post office address as shown on the tax list.
  - In Person
- If service is in person, please have the list of property owners signed and dated by the person accepting the notice.

When all property owners have been notified, you must file a notarized Affidavit of Service with the Administrative Officer by noon on the Monday prior to the day of the meeting.

6. LIST OF PROPERTY OWNERS WITHIN 200 FEET

The list may be obtained upon payment of \$10.00 fee. The Tax Assessor is in the office to process these requests on Monday evenings. Requests for this list may be made with the Administrative Officer or Construction Official. Requests will be processed within 72 hours.

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The Board of Adjustment meets on the first Thursday evening of each month, at 7:30 p.m. in the Council Chambers.

The Administrative Officer is in the office Monday 8:30 to 4:30 and Thursday 12:30 - 4:30  
Phone 973-334-3131, ext. 2005.

Please note: If the applicant is a partnership or corporation, the applicant must be represented by counsel at the meeting. If the applicant cannot be present at the meeting, he/she must be represented by counsel.

## Appendix A

### FLOOR AREA & IMPROVED LOT COVERAGE RATIOS

Ordinances 16-87, 7-88, 3-92, 4-25 deal with limiting the size of proposed buildings, the amount of ground coverage and the relationship of the size of the building to the size of the lot. Floor area ratios may not be exceeded on any given lot, nor may any lot be subdivided in such a manner as to leave any existing house on a lot where the permissible floor area ratio would be exceeded.

#### **245.3 Definitions:**

**Attic:** A space under a sloping roof in which the possible floor area with headroom of five feet or more occupies less than 40 percent of the total floor area of the story directly beneath.

**Floor Area:** The sum of the gross horizontal areas of all stories, stories above grade, half stories, stairways, garages, breezeways, porches, and decks of all buildings on site, as measured from the exterior surface to the outside walls or roof of the building or from a center line of the wall separating two structures. Floor area shall be calculated for the corresponding building type and subject to the exceptions specified herein:

- (1) For residential uses, floor area shall be the sum of the gross horizontal areas of:
  - a. All stories, stories above grade, half stories and stairways of all principal buildings on site
  - b. Garages and sheds, except that the first 500 square feet of aggregate area shall be excluded.
  - c. Roofed breezeway, porches and decks, which are open or enclosed solely by screening, except that the first 500 square feet of aggregate area shall be excluded.
  - d. Floor area shall exclude attics, basements, port cocheres, and unroofed porches and decks.
- (2) For all other non-residential uses, floor area shall be the sum of the gross horizontal areas of all floors of a building, including halls, stairways, elevator shafts, attached porches, and balconies but excluding basement areas used only for storage or for the operation and maintenance

**Story, Half:** A partial story under a roof which has the line of intersection of the roof and the wall face not more than three feet above the floor level, and in which space the floor area with headroom of five feet or more occupies no less than 40 percent and no more than 80 percent of the area of the story directly beneath. Where such floor area occupies less than 40 percent, it shall be considered an attic; where it occupies more than 80 percent it shall be considered a story. Dormers are included in determining the story status. See also "Story".

**Floor Area Ratio (FAR):** The sum of the floor areas of all buildings or structures expressed as a percentage of the total area of the site. For single-family dwellings involving a room with walls at least 5 feet in height and a cathedral ceiling or similar architectural treatment to create volume spaces within the room, each one (1) square foot of floor area shall be counted as follows for purposes of FAR according to the ceiling height:

- 5 to 9.99 feet: 1 square foot
- 10 to 13.99 feet: 1.5 square feet
- 14 to 16.99 feet: 2 square feet
- 17 feet or higher: 2.5 square feet

**Improved Lot Coverage:** That portion of a lot which is improved or is proposed to be improved with principal and accessory buildings or structures, driveways, paved or otherwise, breezeways, porches or roofed decks, pools, patios, parking lots, pedestrian walkways, signs, walls, or other manmade improvements on the ground surface. See also "Building Coverage".

**Building Coverage:** That area of a lot which is directly occupied by a building or structure, but not including uncovered walkways, steps, patios, a parking lot or any similar improvements thereto.

**Building Height – A. Residential Zones** – The vertical distance measured from the average elevation of either the existing (original) or finished grade, whichever is lower, at the front of the building to the highest point of the roof, excluding chimneys. The average elevation shall be determined by taking measurements at approximately ten-foot intervals, six feet from the building wall, and averaging them. When building faces more than one street, each such elevation shall be considered a front elevation, and the height shall be measured on each street. In such case, each height must meet the bulk requirements specified in Schedule I. See also §245-87.

**B. Nonresidential Zones** – The vertical distance measured from the average elevation of the finished grade at the front wall of the structure or above the highest street if the property faces two streets. Chimneys, utility and

mechanical equipment, parapet walls, cornices and similar projections shall not be included in calculating building height, provided that any roof-mounted projections cover more than an aggregate total of 5% of the roof area, parapet walls, cornices and similar architectural projections do not exceed the necessary height to screen roof-mounted utility structures.

245-72 Schedule of Requirements (Schedule 1)

	MAXIMUM COVERAGE (percent)	
	<u>FAR</u>	<u>Improved</u>
R-AA	13	20
R-A	17	25
R-1 (Arrowhead)	20	25
R-2 (The Village)	20	25

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- See Schedule 1 for the balance of zones.

245-88 Modified Bulk Requirements for Contributing Dwellings within Historic Districts

	MAXIMUM COVERAGE (percent)		<u>Minimum Side Setback</u>
	<u>FAR</u>	<u>Improved</u>	
R-AA	16	24	20ft min/min total 50 ft
R-A	21	30	20 ft min/min total 50 ft