



Borough of Old Tappan

Old Tappan , NJ Planning Board FAQ

Q. What exactly is a variance?

A. The concept of a variance applies to when a homeowner wants to do construction or an alteration to their property that does not comply with local ordinance. When they are denied a permit by either the zoning or building offices, they may appeal by way of an application to the Planning Board. The Planning Board will hear and evaluate the situation, and can “vary” or adjust the detailed terms of the ordinance to provide “variance relief”. Variance relief is based on the applicant's ability to **prove** or provide evidence that compliance with the ordinance is either impossible or would cause a hardship.

Q. How do I know if I need a variance?

A. When you apply to the building or the zoning officers, they will tell you if your plans are not conforming to existing ordinances, and will direct you to the Planning Board Office. A Denial Letter from our Zoning or Construction Officials will be needed as part of the Variance Application.

Q. I got a letter in the mail that my neighbors applied for a variance. What do I do?

A. According to law, a property owner must notify all homes within 200 feet (with minimum 10 day notice) that they are appearing before the Board to ask for variance relief. Once you have received this notice, the plans are on file at the borough hall as part of Public Record. You may view them, during all normal Borough Hall hours, and you may also request copies for a nominal fee if you'd like to obtain other professional opinions. You may appear at the hearing and voice your approval or your objections to your neighbor's plans. Harmony between neighbors is always a goal, so if you support their plan, feel free to come voice your support at the meeting, it may impact the Board's likelihood of approval. If you have questions, objections, or concerns, the hearing is an opportunity to have them addressed.

Q. How long does it take for my variance to be heard?

A. The detailed steps are outlined on the cover page of the application found on the Old Tappan website, but here is a short summary. Initially **THREE complete packets** containing the application, plans, photos, etc (one original and two (2) copies) accompanied by the proper fees are filed with the Planning Board Office. *(fees can be found on the borough's ordinance page, general rule of thumb for a Residential application is \$1500 escrow and \$200 filing fee PER variance requested)

These three packets are sent to a Review Committee, who will return a report within 45 days. *(this 45 day period is called a completeness review, and often is done as quickly as 30 days)* The Land Use Administrator will then notify the applicant of any missing items, incorrect items etc *(what is needed to deem the application “COMPLETE”)* and will request the additional required copies. The quicker the applicant or attorney provides the missing / incorrect items and additional copies, the faster the application will be scheduled for appearance at a meeting.

Upon receipt of those required copies, the applicant **WILL THEN BE NOTIFIED** by the Land Use Administrator,

of a hearing date and will be instructed to publish their hearing date as well as mail notices to their 200 foot list. (the Planning Board office will help you with each step along the way) This notice and mailing MUST be done 10 days in advance of hearing date.

Q. Assuming I am approved, how soon after approval can I start the work?

A. Assuming your application is approved at your first appearance, the Planning Board Attorney will be asked to draw up a **RESOLUTION**. This **RESOLUTION** will be adopted (signed) at a subsequent Planning Board meeting, and then public notice will be published. This **RESOLUTION** then becomes public record and officially and legally declares your variance relief from a specific ordinance. **You may, at that time, begin the application procedure with the Building Department for permits, but a waiting period of 45 days AFTER PUBLICATION of Approval is required before permits can be issued and work may actually begin.**

Q. Realistically, what is the time line from beginning to end?

- A.** From the time of submission of application to issuance of permits, 90-120 days minimum.--
- 1) Review period -- (max 45 days--frequently less)
 - 2) Appearance date given, with 10 day public notice required (10-30 days,varies)
 - 3) If approved at first appearance, Resolution drawn and approval vote at next meeting --(30 days,firm)
 - 4) Approval is Published, and waiting period begins before permits can be issued. --(45 days,firm)

Q. Do I need an attorney?

A. Many very simple variances (fence, small deviations from ordinance) do not require the additional expense of hiring an attorney. IF the application is involved, and requires some technical assistance, your architect or contractor may be able to assist you, but cannot represent you before the Planning Board as an attorney can. For variance applications involving more detailed deviations (set backs, Floor Area Ratio, etc) it will definitely benefit you to rely on the expertise of an attorney familiar with MLUL (Municipal Land Use Law). An attorney who knows the procedure can save you valuable time as well as money in the long run.

Q. If my neighbor gets variance approval to do something I've thought about doing, is it assumed that I too will get variance relief?

A. No! Each application is evaluated for individual circumstances and situation.
Variance relief is granted on the premise that the property owner is in a "hardship" situation and cannot comply with current ordinance without the requested relief.