

Board of Adjustment

Borough of Fairview
59 Anderson Avenue
Fairview, New Jersey
07022

Board Chairperson
Roxanne Guinness

Board Vice Chairman
Hossam Elsamra

Board Attorney
Albert H. Birchwale, Esq.
(201) 674-2216

Board Members:
Roxanne Guinness
Hossam Elsamra
Tonin Berisha
Gustavo Gomez
Albert Lukin

Albert DeMuro, 1st Alternate
Maryann Donzi, 2nd Alternate

FAIRVIEW BOARD OF ADJUSTMENT APPLICATION

(revised 4/2024)

This application for site plan review and/or variances is intended for applications before the Board of Adjustment of the Borough of Fairview. All Board Meetings take place on the fourth Thursday of the month at 7:00 p.m., 59 Anderson Avenue, Fairview, New Jersey in the Mayor and Council Chambers.

The applicant is responsible for mailing all plans and copies of the application to Board Members, Board Attorney, Borough Clerk, Borough Zoning Officer/Borough Building Inspector and the Tax Assessor using the steps listed below. All applications must conform to Ordinance # 77-1 *et seq.*, and the Site Plan Ordinances of the Borough of Fairview. The application must contain the denial letter issued by the Borough Zoning Officer or Building Inspector, current pictures of the property, appropriate fees, W-9 form, and any other applicable documentation enclosed in a large manila envelope.

****ALL APPLICATIONS MUST BE FILED IN THE BOROUGH CLERK'S OFFICE-59 ANDERSON AVENUE, FAIRVIEW, NEW JERSEY**

Fee Schedule: - 3 separate checks must be remitted with application

ALL APPLICATION FEES ARE NON-REFUNDABLE

Check# 1	\$ 400.00 - Borough of Fairview (Use Variance only) OR \$ 200.00 - Borough of Fairview (All other Variances)
Check # 2	\$ 100.00 - Borough of Fairview - Secretarial Fees (for Secretarial Services connected with the application)
Check # 3	\$2,500.00 - Borough of Fairview – Residential Escrow Account OR \$3,500.00 - Commercial Escrow Account

W-9 form must be attached

This is the minimum amount required to obtain professional expertise for your case. The Board Secretary will handle obtaining required expertise under guidance from the Board Attorney. When required, additional fees will be assessed.

Step # 1: You must submit the completed Original Application, plans/specifications, and the appropriate fees (LISTED ABOVE) to the Borough Clerk and submit a copy of the application and documentation to the Board Attorney, Albert H. Birchwale Esq. and Board Engineer. **Addresses are listed on page 3.**

Within 30 days of receipt of the completed documentation and fees, the Board Attorney will contact you regarding a tentative assigned hearing date.

(Do not assume a date without confirmation from the Board Attorney - NO EXCEPTIONS Depending on the number of cases already on the docket, it can take up to 2 months for Your case to be assigned a hearing date.)

Step # 2: 16 days Prior to YOUR Confirmed Hearing Date

Copies of the case documentation, including site plans/specifications, must be received by the Board Members. **(NO EXCEPTIONS)**. Names and Addresses are listed on next page. You must also send a separate copy of the application and plans to the Borough Clerk, Zoning Officer/ Building Inspector and Tax Assessor at Borough Hall, 59 Anderson Avenue, Fairview, New Jersey. (Total 14 mailings)

Step # 3: Minimum 10 days Prior to Hearing Date (date verified by Board Attorney).

1. You must notify all residents within 200 feet of the property involved in the appeal. (Do not count the mailing or service dates in this time frame). Service can be made either by certified, registered mail or in person by hand delivery. A sample letter is attached to this application. The Board must be provided with written proof the notices were sent to the property owners by affidavit at the meeting. If service was made by hand delivery, the board requires a written receipt from all property owners stating the date and time of receipt of the notice.
2. You must place a brief, one-day notice of the pending appeal in either the Bergen Record or Jersey Journal (in the legal section). This notice should include the name and address of the applicant, the address of the property in the appeal, the nature of the appeal, and the date, time and place of the appeal.
3. You must complete and submit an affidavit of Service to the Fairview Board Attorney (provided at time of hearing). Sample copy is attached.
4. If any other adjacent municipality is involved, property owners in that municipality must be served, as well as the Borough Clerk in the respective town.
4. If State or County roads are involved, the Bergen County Planning Board and/or the New Jersey Department of Transportation must be notified.

All requirements listed above must be met and proof provided to the Board Attorney for review at the Meeting. Failure to comply will delay the application and your application will then be rescheduled behind all other applications.

Fairview Board of Adjustment Membership

Title	Name	Address	Special Notation
Chairperson	Roxanne Guinness	158 Maple Street Fairview, NJ 07022	
Vice-Chairperson	Hossam Elsamra	312 7 th Street, Apt. 2A Fairview, NJ 07022	
Board Member	Tonin Berisha	272 Day Avenue Fairview, NJ 07022	
Board Member	Gustavo Gomez	374 Kennedy Drive Fairview, NJ 07022	
Board Member	Albert Lukin	435 Cliff Street Fairview, NJ 07022	
1 st Alternate	Albert DeMuro	54 Elm Avenue Fairview, NJ 07022	
2 nd Alternate	Maryann Donzi	155 Cottage Place Fairview, NJ 07022	
Board Attorney	Albert H. Birchwale, Esq.	59 Anderson Avenue Fairview, NJ 07022	201-674-2216 Email: abirchwale@bbplawyers.com
Board Secretary (Position Currently Vacant) File Application with Borough Clerk's Office	Diane Testa, Borough Clerk	59 Anderson Avenue Fairview, NJ 07022	201-943-3300 (Please direct all questions to Borough Clerk. Also, please include 3 extra sets of application and plans to Board Attorney to be given to alternate members when available. Thank you.)
Board Engineer	David Juzmeski, PE, PP	Neglia Engineering 34 Park Avenue, PO Box 426 Lyndhurst, NJ 07071	201-939-8805 Ext. 115 Email: djuzmeski@negliagroup.com (Please provide the complete application to the Engineer for review if the application is for new residential development and/or commercial development.)
Building Inspector, Zoning Officer and Borough Clerk		59 Anderson Avenue Fairview, NJ 07022	201-943-3300

FAIRVIEW BOARD OF ADJUSTMENT

FORM MUST BE COMPLETED BY APPLICANT or APPLICANT'S ATTORNEY
Fill in all necessary information directly on this form - do not reference the attached site plans
***these items must be completed if applicable**

***APPLICANT'S NAME**

(Owner, Tenant, Other)

ADDRESS

TELEPHONE NUMBER

***APPLICANT'S ATTORNEY**

ADDRESS

TELEPHONE NUMBER

***APPLICANT'S ENGINEER**

ADDRESS

TELEPHONE NUMBER

***APPLICANT'S ARCHITECT**

ADDRESS

TELEPHONE NUMBER

***APPLICANT'S MUNICIPAL PLANNER**

ADDRESS

TELEPHONE NUMBER

***PROPERTY LOCATION**

BLOCK _____

LOT _____

***PROPERTY IS WITHIN HOW MANY FEET OF:**

NEIGHBORING MUNICIPALITY _____

COUNTY ROAD _____

STATE HIGHWAY _____

Applicant represents that there no violations of any laws, ordinances, rules and regulations against or affecting the property. If there are any current violations, applicant shall attach a copy of the notice of the violation(s) to this application.

VARIANCE OF REVIEW SOUGHT

Please complete the following

***40:55D-70**

- _____A) **From an error in order, requirement, decision to refusal made by the Zoning Officer. (Copy of Denial letter must be attached to the Application)**
- _____B) **Request for interpretation of the Zoning map or ordinance.**
- _____C) **The strict application of the zoning ordinance would result in unusual and exceptional practical difficulties to cause exceptional and undue hardship upon the developer of the property.**
- _____D) **For Special reasons grant a variance to permit:**
 - _____1) A use structure in a district restricted against such use or principal structure.
 - _____2) An expansion of a nonconforming use.
 - _____3) Deviation from a specification or standard pertaining to a conditional use.
 - _____4) An increase in the permitted floor area ratio.
 - _____5) An increase in the permitted density.

If applicable you must attach the following:

A copy of the Zoning Official's and/or Building Inspector's Letter of Denial.

If no action was taken - attach application for permit.

If you are objecting to the Zoning Official's Letter of Denial, state reasons for Zoning Officials/Building Inspector's error.

Request of Interpretation:

1) Map _____

Attach a copy of the section to be interpreted; state applicant's interpretation.

2) Ordinance _____

Attach a copy of the section to be interpreted. State applicant's interpretation of the ordinance.

What section(s) of the zoning ordinance does the applicant seek relief?

State the Applicants' Interpretation.

Information regarding Zoning and Existing Structures

Is there an existing building on the property? _____

Will all of the building remain standing? _____

What is the area presently zoned for? _____

Is this a new development, addition, major/minor alteration? _____

Describe _____

Information regarding requested relief (must be completed)

***If residential use, specifically set forth:**

1. Number of proposed dwelling units _____

2. Number of proposed outdoor parking spaces _____

3. Number of proposed indoor parking spaces _____

4. Number of proposed off street unloading spaces _____

5. Dimension of proposed parking spaces _____

***If commercial use, specifically set forth:**

1. Number of employees _____

2. Number of proposed outdoor parking spaces _____

3. Number of proposed indoor parking spaces _____

4. Number of proposed off street unloading spaces _____

5. Dimension of proposed parking spaces _____

Information required for either residential or commercial use: (must be completed)

***Size of Proposed Building**

At street level _____
Width _____
Depth _____
Height _____
Number of Stories _____
Square Feet _____

***Setback of Proposed Building**

Front _____
Rear _____
Side _____
Percent of coverage _____

Date Property acquired _____

Proposed cost of construction _____

Have there been any previous appeals, requests or application to this or any other Boards, Courts, or the Building Inspector for this property?

Yes _____

No _____

If yes, state the nature, date and disposition of said matter.

What are the **EXCEPTIONAL** conditions of the property preventing the applicant from complying with current zoning ordinances?

All applicants must attach to this application a schedule showing the following information (if applicable):

1. Type of construction (frame, stone, block, cement, steel, etc.)

2. Present use of existing building(s) and property

3. Location, size and design of signs (attach details)

4. Describe any deed restrictions affecting the property

5. Attach proof of payment of all taxes and assessments due or owed on the property.

6. Attach photograph(s) of land and buildings involved in this application.

7. Attach a plot plan or survey prepared to scale dated within one year of this application, indicating the relation of the existing and/or proposed structure(s) with adjoining properties and structures. The plot plan or the survey must be in accordance with the existing requirements of the Borough of Fairview Ordinances.

If relevant, scale drawings of the proposed building(s) or of the existing structure(s) indicating the changes, alterations or additions contemplated should be presented at the hearing.

8. Any application for a development that will contain four (4) or more commercial and/or residential units shall include an artist's rendering of the proposed structure superimposed on a photograph that shows the current existing conditions of the property and the area surrounding the property in question.

The artist's rendering shall consist of the front elevation, rear elevation, right side elevation and left side elevation of the proposed structure. The artist's rendering shall show the current existing conditions surrounding the property in question including, but not limited to, existing structures, topography, trees and streets. The artist's rendering shall show the proposed structure to scale with surrounding structures.

All questions regarding this application should be directed to Fairview Borough Clerk's Office, Attention Diane Testa, Borough Clerk, 201-943-3300.

Sample Copy:

Notice to be served on owners of property affected by proposed variance(s) from zoning ordinance(s) (within 200 feet) and to be published in the local newspaper.

To Owner of Property: _____
Address: _____

(Must be completed by Applicant, for this form to be recognized)

Please take notice:

The undersigned has appealed to the Board of Adjustment of the Borough of Fairview for a variance of the terms of Articles and Sections of the Zoning Ordinance so as to permit: (Applicant must clearly state the purpose of Appeal).

on premises know as BLOCK _____ LOT _____ on the Tax Map of the Borough of Fairview, New Jersey and also known as _____ (Property Address)

A public hearing has been ordered for _____ at 7:00 P.M. in the Municipal Building - 59 Anderson Avenue, Fairview, New Jersey.

At the public hearing you may either in person, or by agent, or attorney present any facts or objections, which you may have relative to the granting of this application.

This notice is served upon you by the order of the Board of Adjustment.

Applicant _____

Address _____

=====
The application, plans and other paperwork submitted in connection with this application are on file in the office of the Borough Clerk, at the Fairview Municipal Building located at 59 Anderson Avenue, Fairview, New Jersey and may be inspected by interested parties from 8:30 A.M. to 4:30 P.M. Monday to Friday, excluding holidays. This notice is served upon you by the order of the Board of Adjustment.

Fairview Board of Adjustment Application Affidavit

STATE of NEW JERSEY)

)SS

COUNTY OF BERGEN)

_____ of full age, being duly sworn according to the law deposes and says, that he/she resides at _____ in the Municipality of _____ the state of _____ is the appellant in a proceeding before the Board of Adjustment of the Borough of Fairview, New Jersey being an appeal under the Zoning Ordinance, and which relates to premises known on the Tax Map of the Borough of Fairview as Block _____, Lot _____ with a property address of _____. On _____ 20____, he/she gave written notice of the hearing on this appeal, to each and all of the owners of property affected by said appeal, a list which is attached hereto and made a part here of and according to the attached lists, in the manner indicated thereon.

Sworn to and subscribed before me this

_____ day of _____, 20_____

(Signature of person serving the notices)

**Proof of Service of Notices upon Property Owners
Must be Filed 3 DAYS PRIOR to YOUR Assigned Meeting Date
With the Board Attorney Albert H. Birchwale, Esq.
at 865 Broad Avenue, Ridgefield, New Jersey 07657.**

**BOROUGH OF FAIRVIEW
BOARD OF ADJUSTMENT
59 ANDERSON AVENUE
FAIRVIEW, NEW JERSEY 07022**

TAX CERTIFICATION

Name: _____

Address: _____

Block: _____

Lot: _____

Certified this _____ day of _____, 20_____

Date taxes were paid _____
Michael Apicella, Tax Collector

Please bring this form to the Tax Collector for certification and present it to the Board the night of the meeting.

NOTICE OF ZONING APPLICATION HEARING

**Borough of Fairview Board of Adjustment
Fairview, Bergen County, New Jersey**

Notice is hereby given that an application has been filed by (name) _____, of
(address) _____ Re: property
at (street) _____,
being Block _____, Lot _____ as shown on the current Tax Map of the Borough of Fairview located in the
_____ zone for a variance(s) to construct

_____.

The Board of Adjustment has set the date of _____, 20____ at 7:00 P.M. in the Council
Chambers of the Municipal Building, 59 Anderson Avenue, Fairview, New Jersey for a hearing on the application.

The application is on file in the Borough Clerk's office, 59 Anderson Avenue, Fairview, New Jersey and is available for
inspection during regular business hours 8:30 A.M. to 4:30 P.M.