

**BOROUGH OF NORTH CALDWELL**  
**ZONING BOARD OF ADJUSTMENT**  
Application Checklist

Please submit four (4) copies of the completed application and four (4) copies of each of the following documents. Once the Application has been found to be complete and scheduled for a hearing, nine (9) additional copies will be required as well as an ***electronic version of the full submission***.

1. Complete set of sealed plans with exterior elevations and dimensions of the proposed structure or addition.
2. Plot plan with dimensions and setbacks showing the existing structure.
3. A current (no more than 5 years old) signed, raised seal survey depicting the current conditions to include patios, decks, walkways, sheds, pools, tennis courts and any gravel areas.
4. Completed Lot Coverage Calculation form (if applicable).
5. Letter of Denial from the Zoning/Building-Construction Official.
6. List of property owners within 200 feet of applicant's property along with a map showing the property in question and lots within a 200 foot area.  
NOTE: Do not notice for the public hearing until the application has been deemed complete and a meeting date has been provided to you by the Board Secretary.
7. Copies of letters to Fire Chief and Police Chief requesting any safety concerns. When sending the letter to the Police Chief and Fire Chief, please send a copy of the plans for their review also.
8. Other information or documentation which the applicant feels will be useful to the Board (i.e.; landscaping plan, photographs, etc.).
9. Electronic copy of all documents on thumb drive or via email.
10. Fees:
  - a. Application Fee: An application fee of \$250 shall be paid to the Board of Adjustment for all applications other than an application for a variance pursuant to:  
N.J.S.A. 40:55D-70c – C Variance = \$500.00  
N.J.S.A. 40:55D-70d - D Variance = \$750.00
  - b. Initial Escrow Deposit:
    - (a) Single family residential C variance - \$750.00 for the first variance and \$250 for each additional variance.
    - (b) Single family residential D variance - \$1,000.00.
    - (c) Minor Site Plan/Subdivision application - \$1,200.00.
    - (d) Preliminary Major Subdivision application - \$2,500.00 plus \$250.00 per lot with a minimum of \$5,000.00 to be posted.
    - (e) Final Major Subdivision application – One half of the preliminary subdivision application escrow deposit.
    - (f) Preliminary Major Site Plan application - \$2,500.00 plus \$0.10 per square foot of new non-residential floor area plus \$50.00 per residential unit with a minimum of \$5,000.00 to be posted.
    - (g) Final Major Site Plan application – One half of the preliminary site plan application escrow deposit.

(h) Applications for Appeals, Interpretations, Special Questions or relief under N.J.S.A 40:55D-34 or 35 - \$750.00.

(i) Any application requiring review of a Major Stormwater Development design - \$1,500.00 additional.

12. Acknowledgement of Caldwell Sewer Utility Scarce Resource Order.

All application fees and escrow fees shall be received by the Borough prior to an application being deemed complete. The Borough shall not proceed with technical review of an application by Borough staff or Borough professionals until all fees and initial escrow deposits have been received.

The applicant shall be solely responsible to replenish the escrow balance if deemed necessary by the Borough. Final approvals (including but not limited to building permits) shall be withheld by the Borough until the Borough confirms that any escrow shortfall has been corrected by the Developer.

**BOROUGH OF NORTH CALDWELL**  
**ZONING BOARD OF ADJUSTMENT**

APPLICATION FOR RELIEF UNDER N.J.S.A.40:55D-70 OF CHAPTER 291, THE MUNICIPAL LAND USE LAW, LAWS OF N.J. 1975, AS AMENDED.

DATE FILED \_\_\_\_\_ RECEIVED BY \_\_\_\_\_ FEE PAID \$ \_\_\_\_\_

DATE SCHEDULED FOR BOARD ACTION \_\_\_\_\_ ESCROW AMT \$ \_\_\_\_\_

**PLEASE PRINT OR TYPE**

1. APPLICANT INFORMATION:

Name \_\_\_\_\_ Home Telephone \_\_\_\_\_

Address \_\_\_\_\_ Business Telephone \_\_\_\_\_

Municipality \_\_\_\_\_ State and Zip \_\_\_\_\_

Email address: \_\_\_\_\_

Relationship of applicant to property owner (i.e., owner, tenant, agent, purchaser under contract)

\_\_\_\_\_

Name and telephone number of attorney for applicant

\_\_\_\_\_

2. PROPERTY OWNER INFORMATION (if different from applicant):

Name \_\_\_\_\_ Home Telephone \_\_\_\_\_

Address \_\_\_\_\_ Business Telephone \_\_\_\_\_

Municipality \_\_\_\_\_ State and Zip \_\_\_\_\_

Date of acquisition of property \_\_\_\_\_

3. LOCATION OF PROPERTY FOR WHICH RELIEF IS SOUGHT:

Street Address \_\_\_\_\_

Current Tax Map Reference: Block \_\_\_\_\_ Lot \_\_\_\_\_

Nearest Cross-Street \_\_\_\_\_

4. PROPERTY DIMENSIONS:

Total square feet of property \_\_\_\_\_ square feet  
 Width of Front Yard (at street) \_\_\_\_\_ feet  
 Width of Rear Yard \_\_\_\_\_ feet  
 Length of Right Side Yard (facing home from street) \_\_\_\_\_ feet  
 (This also applies to corner lot.)  
 Length Left Side Yard (facing home from street) \_\_\_\_\_ feet  
 (This also applies to corner lot.)

5. EXISTING STRUCTURE:

	Front	Rear	L.Side	R.Side
A. Size (in feet)	_____	_____	_____	_____
	width	width	depth	depth
B. Setback (in feet)	_____	_____	_____	_____
	front	rear	L side yard	R side yard
C. Type of Construction:				
	Frame _____; Brick _____; Stone _____; Other _____			
D. Percent of Existing Land Coverage **: _____				

**\*\* Please note : A Raised Seal Survey that is not more than five years old is required. All Impervious Surfaces must be shown, including, but not limited to, main structure, patios, pools, man-made ponds, tennis courts, driveways, walkways, sheds, compacted gravel , walls, hot tubs and areas covered by pavers.**

6. THIS PROPERTY IS LOCATED IN THE FOLLOWING ZONING DISTRICT (CHECK):

RESIDENTIAL R1 \_\_\_\_\_  
 RESIDENTIAL R2 \_\_\_\_\_  
 R1 – CLUSTER \_\_\_\_\_  
 R2 – CLUSTER \_\_\_\_\_  
 R3 – CLUSTER \_\_\_\_\_  
 R4 – CLUSTER \_\_\_\_\_  
 OTHER – \_\_\_\_\_

7. Are there any deed restrictions affecting the property? No \_\_\_\_ Yes \_\_\_\_

If yes, please explain and attach a copy of the deed:

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8. Is there an existing non-conforming use/size? No \_\_\_\_ Yes \_\_\_\_

If so, please explain:

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9. REQUEST FOR VARIANCE/APPEAL FROM DENIAL OF BUILDING PERMIT

A. Contrary to the requirements of Section (s) \_\_\_\_\_ of  
the North Caldwell Borough Code, Request is hereby made for permission to erect, alter, convert, use a

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B. Building permit application submitted to the Building Inspector on \_\_\_\_\_  
(date)

C. Building permit denied on \_\_\_\_\_  
(date)

D. Please note: letter of denial **MUST** be attached.

- |      |                                     |   |                     |                     |                     |
|------|-------------------------------------|---|---------------------|---------------------|---------------------|
| A.   | Size (in feet)                      | <u>          </u>                               | <u>          </u>   | <u>          </u>   | <u>          </u>   |
|      |                                     | width   | width               | depth               | depth               |
| <br> |                                     |   |                     |                     |                     |
| B.   | Setback (in feet)                   | <u>          </u>                               | <u>          </u>   | <u>          </u>   | <u>          </u>   |
|      |                                     | front   | rear                | L side yard         | R side yard         |
| <br> |                                     |   |                     |                     |                     |
| C.   | Type of Construction:               | Frame <u>      </u>                             | Brick <u>      </u> | Stone <u>      </u> | Other <u>      </u> |
| <br> |                                     |   |                     |                     |                     |
| D.   | Percent of Proposed Land Coverage*: | <u>  </u> |                     |                     |                     |

**\* Please Note Impervious Lot Coverage Statement on page 2**

11. EXPERT WITNESSES WHO WILL APPEAR ON BEHALF OF THIS APPLICATION:

Name \_\_\_\_\_ Address \_\_\_\_\_

Profession \_\_\_\_\_ License No. (if applicable) \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Profession \_\_\_\_\_ License No. (if applicable) \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Profession \_\_\_\_\_ License No. (if applicable) \_\_\_\_\_

12. PLEASE CHECK THE REASONS UNDER WHICH RELIEF IS SOUGHT AND PROVIDE THE INFORMATION INDICATED

- A. *If the applicant believes that there is an error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance:*

(i) Please submit a copy of the order, requirement, decision or refusal made and the administrative officer making same.

(ii) Set forth the nature of the error:

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(iii) At the public hearing, you will be required to present evidence through testimony of witnesses and documents to establish the error alleged.

B. *If the applicant seeks an interpretation of the zoning map or ordinance or a decision upon other special questions:*

Please submit the section of the zoning ordinance, specific location on the zoning map, or special question(s) for which interpretation is requested.

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C 1. *If the applicant seeks a variance from the zoning ordinance due to peculiar and practical difficulties, or exceptional and undue hardship which would result from the strict application of the zoning ordinance:*

Fully describe and provide a diagram or photographs of the exceptional features, topographical conditions or extraordinary and exceptional situation affecting the property. Attach additional sheets if necessary.

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**At the public hearing, you will be required to present proof (sworn testimony of owner, experts, etc. and documentary evidence, if any) establishing the peculiar and exceptional difficulties or the exceptional and undue hardship from which the application of the zoning ordinance results. The difficulties or hardship must relate to the physical characteristics of the land and not be personal to the applicant.**

C 2. *If the applicant seeks a variance from the zoning ordinance because a deviation from the Zoning and Land Use Ordinance of North Caldwell for a specific piece of property would advance the purposes of the Municipal Land Use Law (Chapter 291, Laws of New Jersey, 1975) and the benefits of the deviation would substantially outweigh any detriment.*

Please set forth below the nature of the variance(s) requested.

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At the public hearing, you must show how a grant of the variance(s) requested would advance the purposes of the Zoning and Land Use Ordinance, and how the benefits of a deviation from the ordinance would substantially outweigh any detriment to the ordinance.

D. *If the applicant seeks a variance from the zoning ordinance to permit:*

- (1) a use or principal structure in a district restricted against such use or principal structure,*
- (2) an expansion of a non-conforming use,*
- (3) deviation from a specification or standard pertaining solely to a conditional use,*
- (4) an increase in the permitted floor area ratio,*
- (5) an increase in the permitted density, or*
- (6) increase in the maximum height permitted in the district for a principal structure.*

Please set forth below the nature of the variance(s) requested.

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At the public hearing, you must show that this is a particular case, and that special reasons exist for the grant of a variance.



13. Please state why a variance or other relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning and Land Use Ordinance.

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14. OTHER INFORMATION:

A. Have there been any previous applications or appeals involving this property? No \_\_\_ Yes \_\_\_

If so, when? \_\_\_\_\_

Include details of each application or appeal and its disposition:

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B. Has the planning board granted any approvals (other than the original site development) involving this property? No \_\_\_ Yes \_\_\_

If so, when? \_\_\_\_\_

Include details of the approvals:

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C. Is there any other addition or construction requiring a building permit being done or considered at this time? No \_\_\_ Yes \_\_\_

If yes, please provide details and a complete set of plans for such other additions or constructions.

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15. NAMES AND ADDRESSES OF OWNERS OF PROPERTIES WITHIN 200 FEET OF  
SUBJECT PROPERTY:

Name

AddressThis image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

**BOROUGH OF NORTH CALDWELL  
ZONING BOARD OF ADJUSTMENT**

**CERTIFICATION OF APPLICANT**

STATE OF NEW JERSEY:

SS:

COUNTY OF ESSEX:

\_\_\_\_\_. of full age, being duly sworn according to law, on  
oath deposes and says that all of the above statements and the statements contained in the  
papers submitted herewith are true.

\_\_\_\_\_  
(Applicant to Sign Here)

Sworn to and subscribed before me this

day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Public)

**BOROUGH OF NORTH CALDWELL  
ZONING BOARD OF ADJUSTMENT**

## IMPERVIOUS SURFACE CALCULATION SHEET

*This calculation sheet is a necessary attachment for all zoning and building permit applications in the Borough of North Caldwell.* The Borough of North Caldwell Zoning Ordinance limits the amount of impervious surface coverage to 30%. In order to assure compliance with this regulation, an **accurate calculation** of the amount of impervious surface coverage is required. Impervious surface is “any constructed hard surface that prevents or retards the flow of water into the soil”. Examples of impervious surfaces include rooftops, sidewalks, parking lots, pools, patio, and roads or driveways made of asphalt, concrete or gravel. **Please complete the following information:**

**Address:** \_\_\_\_\_ **Block:** \_\_\_\_\_ **Lot:** \_\_\_\_\_

**Total Lot Area:** \_\_\_\_\_

**Use the following Table to Calculate Total Impervious Surface Area:**  
(Complete all that apply)

	EXISTING	PROPOSED	TOTAL
House/Primary Structure			
Deck(s)			
Accessory Structure 1			
Accessory Structure 2			
Sidewalk(s)			
Patio(s)			
Driveway and Parking Areas			
Pool and Decking			
Proposed Additions			
Other			
<b>TOTAL IMPERVIOUS SURFACE %</b>			

**Attach additional sheet as necessary**

I certify that the above information is true and accurate to the best of my knowledge and that I have included all existing or proposed impervious surfaces. I understand that supplying erroneous information may result in the need to remove impervious surfaces if it is discovered that the maximum coverage has been exceeded.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**BOROUGH OF NORTH CALDWELL**  
**ZONING BOARD OF ADJUSTMENT**

**Notice to be Served on Owners Within 200 Feet**  
**~ SAMPLE ~**

TO: \_\_\_\_\_  
(owner of premises)

**PLEASE TAKE NOTICE:**

The undersigned has filed an appeal or application for development with the Board of Adjustment of the Borough of North Caldwell for a \_\_\_\_\_ variance from the requirements of the Zoning Ordinance so as to permit *(state Borough ordinance and nature of relief requested here, ie. Side yard setback, Impervious coverage, etc.)*:  
\_\_\_\_\_  
\_\_\_\_\_

on the premises at \_\_\_\_\_ and designated as Block \_\_\_\_ Lot \_\_\_\_ on the Borough Tax Map, and this notice is sent to you as an owner of property in the immediate vicinity.

A public hearing has been set down for \_\_\_\_\_, 20\_\_ , at 7:30PM, in the Municipal Building, North Caldwell, New Jersey, and when the case is called you may appear either in person or by agent or attorney, and present any comments or objections which you may have with respect to the granting of the relief sought in the petition.

The following described documents are on file in the office of the Municipal Clerk and are available for inspection Monday through Friday, between the hours of 8:30AM and 4:30PM: *(insert description of documents)*  
\_\_\_\_\_  
\_\_\_\_\_

This notice is sent to you by the Applicant, by order of the Board of Adjustment.

\_\_\_\_\_  
(Name of Applicant)

**BOROUGH OF NORTH CALDWELL**  
**ZONING BOARD OF ADJUSTMENT**

**Notice to be Published in Official Newspaper**  
**~ SAMPLE ~**

**PLEASE TAKE NOTICE** that on the \_\_ day of \_\_\_\_\_, 20\_\_, at 7:30PM, a hearing will be held before the North Caldwell Zoning Board of Adjustment at the Municipal Building, 141 Gould Avenue, North Caldwell, New Jersey, on the appeal or application of the undersigned for a variance or other relief so as to permit *(state Borough Ordinance and nature of relief requested here, ie. Side yard setback, Impervious coverage, etc.):*

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on the premises located at \_\_\_\_\_  
and designated as Block \_\_\_\_, Lot \_\_\_\_ on the North Caldwell Borough Tax Map.

The following described documents are on file in the office of the Municipal Clerk and are available for inspection Monday through Friday between the hours of 8:30am and 4:30pm. *(insert description of documents)*

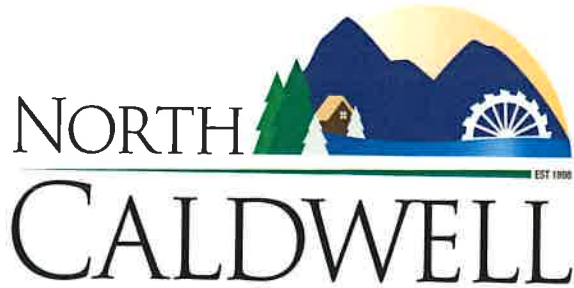
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Any interested party may appear at said hearing and participate therein in accordance with the rules of the Zoning Board of Adjustment.

\_\_\_\_\_  
(Name of Applicant)

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**Borough of North Caldwell**

**141 Gould Avenue**

**North Caldwell, New Jersey 07006**

**(973) 228-6410   [www.northcaldwell.org](http://www.northcaldwell.org)**

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NOTICE TO ALL APPLICANTS FOR PLANNING/ZONING BOARD APPROVALS

4/1/2022

All applicants to the North Caldwell Borough Planning Board and Board of Adjustment are hereby notified that the Borough is restricted by a Scarce Resource Restraint Order for sewer that has imposed by the Superior Court of Essex County. The Order is effective as of March 14, 2022. Paragraph 2 of that order states:

...North Caldwell ... (its) Planning Board, Zoning Board, and any other official bodies and persons, agents or employees thereof, shall advise all applicants that any Board action or approval will not confer “vested rights” for allocation of sewer capacity in the Caldwell Sewerage Treatment Plant upon the applicant without the Court’s review and approval. Only after an order has been entered releasing an application from the restraints imposed by this Order will an applicant acquire “vested rights” for sewer allocation of sewer capacity in the Caldwell Sewerage Treatment Plant. ...

There is a procedure established in paragraph 6 of the Order for an applicant to seek relief from its restrictions. A full copy of the order is attached to this notice.

**FAIR SHARE HOUSING CENTER**  
510 Park Boulevard  
Cherry Hill, New Jersey 08002  
P: 856-665-5444  
F: 856-663-8182  
Attorneys for Plaintiff  
By: Joshua D. Bauers, Esq. 174532015

**In the Matter of the Borough of  
Caldwell, Essex County, New  
Jersey.**

SUPERIOR COURT  
Law Division  
Essex County

Docket No. ESX-L-3999-16

CIVIL ACTION

**~~Proposed~~ Order Imposing Scarce  
Resource Restraint, Requiring  
Submission of Sewer Capacity  
Analysis, and Appointing  
Special Master to Oversee  
Sewer Plan**

**THIS MATTER** having been opened to the Court by Fair Share Housing Center (hereinafter "FSHC") (Joshua D. Bauers, Esq. appearing), attorney for Defendant-Intervenor FSHC seeking an Order Imposing Scarce Resource Sewer Restraints, the Establishment of a Priority Schedule for the Available Sewer Capacity, and the Appointment of a Special Master to Oversee the Implementation of the Borough's Sewer Plan; and for the reasons set forth on the record; and for good cause shown;

IT IS, on this 14th day of March, 2022;

**ORDERED** that:



1. The Borough of Caldwell shall cease issuing sewer approvals at the Caldwell Wastewater Treatment Plant of any kind pursuant to the following terms;

2. The Borough, West Caldwell, Roseland, North Caldwell, Essex Fells, and Fairfield, their Planning Boards, Zoning Boards, and any other official bodies and persons, agents or employees thereof, may receive and process, hear and vote on applications for development approvals that are covered by this Order as provided under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

3. The Borough, West Caldwell, Roseland, North Caldwell, Essex Fells, and Fairfield, their Planning Boards, Zoning Boards, and any other official bodies and persons, agents or employees thereof, shall advise all applicants that any Board action or approval will not confer "vested rights" for allocation of sewer capacity in the Caldwell Sewerage Treatment Plant upon the applicant without the Court's review and approval. Only after an order has been entered releasing an application from the restraints imposed by this Order will an applicant acquire "vested rights" for sewer allocation of sewer capacity in the Caldwell Sewerage Treatment Plant. Notwithstanding the foregoing, any approval by a Board may be challenged or appealed as provided by law and this Order shall not be deemed to toll the time for such challenge.

4. The Borough and any agency of the Borough that is authorized to issue sewer service connection permits are hereby

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restrained from issuing any new or expanded sewer service connection, subject to the waiver process set forth in Paragraph 6, below.

5. The Borough, West Caldwell, Roseland, North Caldwell, Essex Fells, and Fairfield, their Planning Boards, Zoning Boards, and any other official bodies and persons, agents or employees thereof, shall provide at least seven (7) days written notice to the Special Master, Fair Share Housing Center, Defendants, and all other interested parties, of any applications for development approvals that are covered by this Order, including votes involving the adoption of memorializing resolutions, within seven (7) days of such votes occurring.

6. Any party or person affected or potentially affected by the restraints imposed by this Court Order may apply, with notice to all parties and to the Special Master, for relief from this Order prior to or during the pendency of a development application. The form of application shall be a letter with appropriate supporting documentation. The Special Master shall render a decision within fifteen (15) business days of receipt of the aforesaid application. If the Special Master determines that relief from the restraints imposed herein is appropriate, she/he shall authorize the relief from the restraints in writing, with a copy to the Court and all parties, and the applicant may pursue an application for development approvals and the appropriate Board may consider and grant or deny development approvals, with vesting, in accordance with governing law. If the Special Master fails to timely decide or declines to authorize the

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release, or any party or applicant objects to the decision within ten (10) days of the decision being made, the party seeking relief from the Order may move before the Court on notice to the Special Master and all interested parties for relief from the within restraints.

7. This order shall remain in full force and effect until the Borough of Caldwell satisfies its Third Round fair share obligations in their entirety and the Special Master confirms that the Caldwell Wastewater Treatment Plant has allocated sufficient capacity to the Borough of Roseland, Township of West Caldwell, Borough of North Caldwell, Borough of Essex Fells, and the Borough of Fairfield to address their Third Round Affordable Housing Obligations.

8. ~~This Court shall appoint a~~  
~~The Court hereby appoints \_\_\_\_\_ as~~ Special Master for Sewer to oversee the implementation of a sewer plan to ensure the limited capacity at the Caldwell Wastewater Treatment Plant is reserved and set-aside for the construction of affordable housing in the above-mentioned municipalities. The Special Master for Sewer shall have the following responsibilities and shall engage in the following process:

- a. The Special Master shall review the court-approved Housing Element and Fair Share Plans for any municipality that utilizes the Caldwell Wastewater Treatment Plant to determine which sites, if any, have not been allocated sewer capacity;
- b. Within 30 days of this Order the Special Master shall send correspondence to any property owner, contract purchaser,

or developer included in a HEFSP that has not yet been allocated sewer capacity inquiring as to the status of the development and readiness to proceed;

c. Within 60 days of this Order the Special Master shall establish a priority schedule for any unallocated sewer capacity and any future allocations of sewer capacity prioritizing developments based upon readiness to proceed to development and sites providing the greatest number of affordable housing units.

d. In the event there is insufficient capacity to allow all five municipalities to address their entire Third Round affordable housing obligations the Special Master shall within 90 days of this order present a report to the court on the process necessary to make additional capacity available at the Caldwell Wastewater Treatment Plant.

e. The Special Master shall provide the Court with an update regarding the negotiations of the draft sewer customer service contract by and between the Borough, West Caldwell, Roseland, North Caldwell, Essex Fells, and Fairfield every 30 days from the date of this Order.

**FURTHER ORDERED** that counsel for FSHC shall serve a copy of this Order on counsel within 7 days of <sup>the date hereof per the Rules of Court.</sup> ~~receipt hereof~~

*/s/ Robert H. Gardner, J.S.C.*  
Hon. Robert H. Gardner, J.S.C.

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