MORRIS PLAINS BOARD OF ADJUSTMENT

"Rules of the Road"

It is the intention and obligation of the Board of Adjustment to hear comment and testimony from the public on all cases brought before it. Because the board operates in a quasi-judicial manner there are certain procedures that must be followed. Listed below is a general outline of how a case is heard and when public comment is invited. If you have any questions, please feel free to address them to the Board chairperson.

- The applicant or his attorney will present their case to the Board.

- If the applicant presents witnesses, they will make their presentation. After each witness has testified the Board will question the witness and then allow questions by members of the public and/or their attorneys. Please remember that any questions should pertain to the witnesses testimony.

- Following completion of the applicant's case, the Board will hear testimony from adjacent property powers and residents of Morris Plains first, then any other interested party. At this point any comments about the case will be heard.

- Following completion of testimony by each private individual the Board and applicant will be provided with an opportunity to question those individuals.

- At the conclusion of the case the chairperson will declare the case closed. At this point the board will deliberate the case. No further testimony or comment will be heard from any parties once the case is closed.

Remember, we want to hear what you have to say. Hopefully, this guide will make it easier for you to make yourself heard. Boardofa
BOARD OF ADJUSTMENT
BOROUGH OF MORRIS PLAINS
INSTRUCTIONS FOR A HEARING

PLEASE NOTE: The Board of Adjustment is a quasi-judicial body whose decisions and procedures are governed by the laws of the State of New Jersey. It is the obligation of the applicant to comply with all of the requirements of the law. If in doubt as to the legal requirements, the Applicant should seek the advice of an attorney. Advice as to legal requirements should not be sought from municipal officers, board members, or employees, as they are not attorneys.

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The Board hears two types of cases; 1), appeals from a decision of a Borough Administrative Officer concerning zoning, as well as direct appeals for relief from the Zoning Ordinance, 2), applications for development for which a use variance is also requested.

In order to obtain a hearing before the Board of Adjustment, the Applicant must submit a completed Application for Hearing Form to the Secretary of the Board. The Secretary will collect the required fee from the Applicant and notify him of the date fixed of the hearing. The Secretary will also give the Applicant copies of the Notice of Hearing to Property Owners and Others, Notice of Hearing to be published in the newspaper, names and addresses of the members of the Board of Adjustment, and the Proof of Service affidavit. Instructions are printed on these forms.

The Applicant's obligations are as follows:

1. A certified list of all property owners within 200 feet from all sides of the property in question must be secured from the Borough Assessor. This list and a copy of the area of the tax map will be supplied by the Assessor at a cost of $10. Please note it may take up to seven days for the Assessor to compile this list.

2. The form entitled "Notice of Hearing to Property Owners and Others Entitled to Notice" must be filled out and sent to the list as referred to in #1. This can be done by hand delivery or certified mail. If the property in question is located on a County or State Road, this same notice must be sent to the Morris County Planning Board, 300 Mendham Road, Morristown, NJ 07960 and the New Jersey State Department of Transportation, 1035 Parkway Avenue, Trenton, NJ 08625 by certified mail. All of these mailings must be accomplished 10 days prior to the hearing date as assigned.

3. The newspaper notice may be published in either the Daily Record or the Morris NewsBee. This must be accomplished 10 days prior to the hearing date as assigned. Proof of publication must be obtained from the newspaper and submitted to the Board Secretary prior to the hearing.

4. The "Affidavit of Proof of Service" form shall be completed, notarized and returned to the Board Secretary prior to the hearing together with a copy of the notice which went to property owners within 200 feet and the map supplied by the Assessor.

5. Copy of the notice sent to the property owner within 200' must be sent regular mail to the list of Board Members.
A survey of the property in question must be drawn to scale and show: (8 copies of maps to be submitted)

(1) dimensions and area, including any adjoining property in common ownership;
(2) existing structures with dimensions;
(3) proposed additions or changes with dimensions;
(4) driveways and parking areas;
(5) easements or rights-of-way; and
(6) all front, side and rear yard dimensions.

The Board cannot take action unless the applicant or his legal representative is present at the hearing. Individual applicants may represent themselves. A corporation must be represented by an attorney. Failure to appear may result in dismissal for lack of prosecution.

The Board will render a decision on an application within 120 days of the filing of an appeal from a decision of an Administrative Officer, or the submission of a completed application for development.

**APPEALS**

An appeal may be made to the board of any decision made by an Administrative Officer based on the enforcement of the Zoning Ordinance or the Official Map. Such appeal shall be made within 20 days of the decision. An Applicant may also make an appeal from the Zoning Ordinance directly to the Board without first having received a decision from an Administrative Officer.

An appeal is filed by providing a completed Application for Hearing Form to the Secretary of the Board.

**DEVELOPMENT**

The Board of Adjustment will hear applications for subdivision, site plan or conditional use in which a use variance (Section 13-3.5 (d) of the Borough Land Development Ordinance) is also sought. The completed Application for Hearing Form outlining the use variance requested, as well as the requirements for submission for subdivision, site plan or conditional use, as set out in Section 13-4.406 of the Borough Land Development Ordinance, shall be submitted to the Secretary of the Board.

List of Members of Morris Plains Board of Adjustment to receive a copy, by ordinary mail, of the notice you send to surrounding property owners.