

Wayne Township

Planning and Zoning Department

INSTRUCTIONS/GUIDE FOR FLOOD PLAIN VARIANCE APPLICATIONS

1. Filling out the Form **Use this form package only if the sole relief you need is for variance from the flood plain ordinance.** Complete the “Land Development Application for Flood Plain”

2. Submission Package

Submit to the Planning & Zoning Department the \$500.00 application fee, the \$375 escrow fee and 15 collated packages of the following:

- A. the Application form
- B. the sealed architectural plans
- C. the sealed property surveys
- D. the sealed site plans, folded

Wayne Township Planning and Zoning Department
475 Valley Road
Wayne, NJ 07470

www.waynetownship.com

973-694-1800, x 3282

Monday, Wednesday – Friday, 8:30 a.m. to 4:30 p.m.

Tuesday, 8:30 a.m. to 7:00 p.m.

Excerpt from Land Development Ordinance (LDO) regarding the administration of and the variance procedure for a flood plain variance:

§ 134-97.6 Administration

The administration of this Section shall be in accordance with the following:

- A. A development permit shall be obtained before construction or development begins within any areas of special flood hazard or flood plain. In the case of construction or development which requires preliminary and final site plan approval, proof of issuance of said permit shall be submitted as part of the application for preliminary site plan approval. Application for a development permit shall be made to the Construction Code Official on forms furnished by him and may include, but not limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. The elevation, in relation to United States Coast and Geodetic Survey datum, of the lowest floor (including basement) of all structures.
 2. The elevation, in relation to United States Coast and Geodetic Survey datum, to which any nonresidential structure has been floodproofed.
 3. Plans showing how any nonresidential floodproofed structure will meet the floodproofing criteria of §134-96.8 and after the structure is built, a certification by a registered professional engineer or architect that the structure as built meets the criteria of §134-96.8.
 4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 5. The existing and proposed contours at a contour interval of two (2) feet.
 6. The proposed elevations of the lands involved at the corners of the foundation of any structure or structures.
 7. The lowest elevation of the lowest proposed area within any proposed structure after its completion.
 8. The layout of existing and proposed public streets and the nature, extent and location of existing and proposed utilities servicing the premises in question.
 9. The elevation of any existing or proposed pumping facilities and overflow elevations of vents or entranceways, if underground. Overflow elevations of sewage treatment plant units.
 10. The nature and extent of the construction, alterations or repairs.
 11. Proof of application for a stream encroachment permit, obtained from the NJDEP, and proof of application to any other governmental agencies from which approval is required by federal or state law, if applicable.
 12. Base flood elevation data as supplied by the flood map.
 13. The extent of filling of land, if any.
 14. Surrounding structures within a two-hundred (200) foot radius.
- B. Designation of Local Administrator. The Construction Code Official is hereby appointed to administer and implement this Section by granting or denying development permit applications in accordance with its provisions.

- C. Duties and responsibilities of Local Administrator. The duties of the Construction Code Official shall include, but not be limited to:
1. Review of all development permits to determine that the requirements of this Section have been satisfied.
 2. Review of all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 3. Review of all development permit applications to determine if such proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this Section "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development would increase the water surface elevation of the base flood more than one (1) foot at any point.
 4. Obtaining and maintaining the following as a public record open to inspection:
 - a) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b) For all new or substantially improved floodproofed structures:
 - i) The actual elevation in relation to United States Coast and Geodetic Survey datum.
 - ii) The floodproofing certifications.
 - c) The records of all appeal actions and the report of any variances to the Federal Insurance Administration of this Section.
 5. Making interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
 6. Prior to any alterations or relocation of a watercourse:
 - a) Notifying the NJDEP and any adjacent community affected by such alteration or relocation and submitting evidence of such notification to the Federal Insurance Administration.
 - b) Requiring that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 7. When base flood elevation and floodway data has not been provided in accordance with §134-97.4, Flood Plain Map, then the Construction Code Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer specific standards for residential and nonresidential construction.

§ 134-97.7 Variance Procedure

Variations from the strict application of the provisions of this Section shall be in accordance with the following and the procedures, fees and hearing requirements shall follow those as set forth in this Chapter.

A. Appeal Board

1. The Planning Board shall hear and decide appeals and requests for variations from the requirements of this Section.
2. The Planning Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Construction Code Official in the enforcement or administration of this Section.
3. Any person aggrieved by the decision of the Planning Board may appeal such decision to the Superior Court of New Jersey as provided in the Rules of Court.
4. In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors and all standards specified in other sections of this Section are:
 - a) The danger that material may be swept onto other lands to the injury of others.
 - b) The danger to life and property due to flooding or erosion damage.
 - c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - d) the importance of the services provided by the proposed facility to the community.
 - e) The necessity to the facility of a waterfront location, where applicable.
 - f) The availability of alternative locations, but subject to flooding or erosion damage, for the proposed use.
 - g) The compatibility of the proposed use with existing and anticipated development.
 - h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
 - i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - k) The costs of providing governmental services during the after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, and streets and bridges.
5. Variations may be considered for new construction and substantial improvements to be erected on lots of one half ($\frac{1}{2}$) acre or less contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that §134.98.7 A(4) has been fully considered and said variations conform to the provisions of §134-98.7 B below. Any lot on one-half ($\frac{1}{2}$) acre or more shall result in an increase in the technical justification required for issuing a variance.
6. The Planning Board may grant any variance upon consideration of the factors listed above and the purposes of this Section, and the Planning Board may attach such conditions to the grant of any such variance as it deems necessary to further the purposes of this Section.

B. Conditions for variations.

1. Variations may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:
 - a) A showing of good and sufficient cause.
 - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public as identified in §134-98.7 A, Appeal Board; or conflict with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice indicating the elevation below the base flood level, in feet, to which the lowest floor of the structure will be built, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
6. A variance does not exempt the requirement to obtain a State permit.

WAYNE TOWNSHIP DEPARTMENT OF PLANNING
LAND DEVELOPMENT APPLICATION FOR FLOOD PLAIN VARIANCE

The undersigned, as Applicant/Owner of the subject property listed below hereby makes application to the Township of Wayne for relief from the Township Flood Plain Ordinance (LDO Chapter 134, Section 97.7).

1. APPLICANT INFORMATION

Name: _____

Mailing Address: _____

Telephone: _____ E-mail: _____

Applicant is a: (check applicable status)

Corporation Partnership Individual (s) Other _____
(please specify)

Relationship of applicant to property (check applicable status):

Owner Contract purchaser Lessee Other _____
(please specify)

If applicant is represented by an attorney:

Attorney's Name: _____

Mailing Address: _____

Telephone: _____ E-mail: _____

2. SUBJECT PROPERTY INFORMATION

Subject Property Owner's Name: _____

Wayne Street address of the subject property: _____

Tax Map Block(s): _____ Lot (s): _____ Zone District: _____

Please list prior applications or municipal actions regarding this property: _____

3. NATURE OF APPLICATION: This is an application for a variance from the strict application of the Township of Wayne Flood Plain Ordinance. The proposed construction is contrary to the following provisions of Chapter 134-97.7.

Relief Requested:

<u>Ord Section</u>	<u>Item</u>	<u>Required</u>	<u>Proposed</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Project Description:

4. VERIFICATION AND AUTHORIZATION

Owner's Statement: I, the undersigned, being the owner of the property described in this application, hereby consent to the making of this application and the approval of the plans submitted. I hereby authorize members of the Land Use Board and its staff to conduct a site visit of the premises that are the subject of this application.

_____	_____	_____
Property Owner's Name (PRINTED)	Property Owner's Signature	Date

Applicant's Statement: I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in connection with this application are, to the best of my knowledge, true and accurate.

_____	_____	_____
Applicant's Name (PRINTED)	Applicant's Signature	Date

Sworn and Subscribed before me

_____ day of _____
Month Year

(Notary)

+++++

Office Use:

*Application Fee: \$500.00
 *Escrow: \$375.00 (separate check)
 *payable to "The Township of Wayne"

Received by: _____
 Date: _____
 Check #: _____ (fee)
 Check #: _____ (escrow)

