

*Garwood Planning Board*  
***Filing Instructions for Certificate of Non-Conformity***

The following instructions are intended to assist applicants or their representatives in the process of preparing an “Application to the Planning Board” for a Certificate of Non-Conformity and identify other required documents and actions that must be completed in order for the application to be scheduled for a hearing before the Garwood Planning Board. These instructions and application have been reviewed and adopted by the Garwood Planning Board.

Please note that applications for Certificates of Non-Conformity, unlike other development applications, may be filed directly with the Board through its Secretary at 403 South Avenue, Garwood.

Pursuant to N.J.S. 40:55D-68 The applicant shall have the burden of proof.

The applicant must submit proof that the use or structure existed before the adoption of the ordinance which rendered the use or structure non-conforming.

Borough employees, with whom applications are filed, will attempt to be of assistance to the applicant, but are not authorized or permitted to give legal advice.

**Filing Instructions**

- I. **Complete application packets must be filed:** The application form is available on the Borough Website at [www.garwood.org](http://www.garwood.org) or may be obtained at Borough Hall in the Clerks Office.

**15 completed application packets must be collated and submitted.**

Hearings will only be scheduled if the submitted application packets contain all of the items listed below

- A. A complete application will consist of the following:
  1. An “*Application Form*” – completed and including supporting facts that will assist the Board in its decision (attach additional information to the application). **Submit 1 original (notarized with owner’s signature) and 14 copies- Collated.**
  2. The application fee in the form of a check, cash or money order - payable to the “Borough of Garwood.” in the amount of **\$400.00**
  3. Proof of Paid Property taxes for subject property.
  4. Request a certified list of all property owners within 200-feet of the subject property. This must be filed with the Clerks Office and will be available within 7 days of submission of the attached Form 17- “*Request for Property Owners*”. Applicant must contact neighboring towns for said list, if necessary.

When practical, the application will be scheduled for the next available hearing date based upon the filing date and agenda availability.

- B. Applicants will be notified in writing of their scheduled hearing date. Once a hearing date has been scheduled by the Board Secretary, the applicant must do the following:
  1. By certified mail, notify all property owners of all lots within 200-feet of the subject property, using the attached “*Notice of Public Hearing*” (*Form 11*), **at least 10 days prior to the date of the public hearing.**
  2. Publish a notice of the hearing in the Cranford Chronicle, Westfield Leader or Star Ledger [please see instructions] in an issue published at **least 10 days prior to the date of the public hearing.**

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3. Complete the attached “Affidavit of Proof of Service” (Form 12) in the presence of a Notary Public.
  4. File the “*Affidavit of Proof of Service*”, “*Notice to Adjacent Property Owners (Within 200-Feet)*”, an affidavit of publication (supplied by the newspaper) and the date-stamped white certified mail stubs to the Board Secretary at least one day **prior** to the hearing.
- II. The applicant or owner, or the attorney representing either of the aforementioned, must be present at the time of the public hearing.
- III. A. Corporations must be represented by an attorney at law.
- IV. Notice of the Decision of the Board is published by the Board Secretary in the Cranford Chronicle after the adoption of the memorializing resolution.
- V. A copy of the Resolution will be forwarded to the applicant approximately 5-6 weeks after the Board’s decision.