

***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 **\$200.00**
  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 Westfield Leader 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 Westfield Leader 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.

*To Publish in the Westfield Leader:*

*Sent publication in word format to:*

*Legal/Classified – Westfield Leader*

[legals@goleader.com](mailto:legals@goleader.com)

[www.goleader.com](http://www.goleader.com)

*Contact number: 908-232-4407*

*Fax number: 908-232-0473*

Application #: \_\_\_\_\_ for Address: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_  
Applicant's Name: \_\_\_\_\_ Application Fee Received: \_\_\_\_\_

## CERTIFICATE OF NON-CONFORMITY CHECKLIST

1. **Application to the Garwood Planning Board (3 pages)** \_\_\_\_\_
2. **Affidavit of Proof of Service (1 Page)** \_\_\_\_\_  
**(to be submitted to the Planning Board Office no later than one day prior to hearing date)**
3. **Copy of the Notice to Adjacent Property Owners (within 200 feet)** \_\_\_\_\_  
**(1 Page)**
4. **Photograph of property (attached to application)** \_\_\_\_\_
5. **Application Fee - \$200.00**

**BOROUGH OF GARWOOD**  
**Planning Board Office**  
403 South Avenue  
Garwood, New Jersey 07027  
(908) 789-0710 x 3028  
a-lewis@garwood.org

**APPLICATION TO THE GARWOOD PLANNING BOARD**  
**CERTIFICATE OF NON-CONFORMITY**

**I. Application :**

I/we hereby apply for:

- Certificate of Non-Conformity pursuant to N.J.S. 40:55D-68
- 40:55D-68. Nonconforming structures and uses  
Nonconforming structures and uses. Any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.

The prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden of proof. Application pursuant hereto may be made to the administrative officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the board of adjustment.

**II. General Information:**

A. Applicant:  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
\_\_\_\_\_

E-mail address: \_\_\_\_\_

PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

B. Applicant is:  
Corporation \_\_\_\_ Partnership \_\_\_\_ Individual \_\_\_\_ Other \_\_\_\_\_  
*(Please Specify)*

C. If the applicant is a corporation or partnership, please attach a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership. (This list is also known as the "10% Disclosure Statement"). Any corporation or partnership **must** be represented by an attorney at law in the State of New Jersey.

D. The relationship of the applicant to the property in question is:  
Owner \_\_\_\_ Lessee \_\_\_\_ Contract Purchaser \_\_\_\_ Other \_\_\_\_\_  
*(Please Specify)*

E. If the applicant is other than the owner, please complete the following statement:  
I/we hereby authorize \_\_\_\_\_ to act as my agent in processing this application.

OWNER'S SIGNATURE \_\_\_\_\_  
Owner's Name \_\_\_\_\_  
Owner's Address \_\_\_\_\_  
Owner's Phone # \_\_\_\_\_ Owner's Fax # \_\_\_\_\_

F. Attorney (complete if applicable)  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

**III. Information regarding the property:**

A. Street address of property: \_\_\_\_\_

B. Zone in which the property is located is: \_\_\_\_\_

C. The property is located at:  
Block(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_

D. Existing use of property: \_\_\_\_\_

E. Are there any existing or proposed deed restrictions, easements, right-of-ways or other dedications?  
Yes \_\_\_\_\_ No \_\_\_\_\_ (if yes, please attach copy)

F. Has there been any previous appeal or application involving these premises? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please give details below (indicate date of filing, type of appeal/application, and decision): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G. Year structure built or use commenced: \_\_\_\_\_

H. Date of Ordinance which changed the zone, if applicable: \_\_\_\_\_  
Attach a copy of the Ordinance, if available.

I. Attach a copy of the deed or other instrument registered which indicates the non-conformity, if applicable.

Request is hereby made for a Certificate of Non-Conformity to recognize (*describe the non-conformity*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ as a pre-existing non-conformity pursuant to N.J.S. 40:55D-68.

**Please submit any additional proof that the use or structure existed before the adoption of the ordinance which rendered the use or structure non-conforming. Attach to the application.**

**IV. Signature and Notarization**

I certify that the foregoing statements and materials submitted are true.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

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



# Notice to Adjacent Property Owners (Within 200-Feet)

- FOR MAILING AND PUBLICATION -

## Pursuant to N.J.S. 40:55D-12

*(Publication Start Here)*

**PLEASE TAKE NOTICE: SEE ATTACHED.**

**COVID-19 MEETING INSTRUCTIONS ON LAST PAGE - THERE ARE NO IN PERSON MEETINGS UNTIL FURTHER NOTICE.**

That a public hearing will be held by the Garwood Planning Board on

\_\_\_\_\_ at 7:30 p.m.  
*(Day of the week, Date, Year)*

The public hearing will be held at the Garwood Municipal Building, 403 South Avenue, Garwood, New Jersey, on the application of the undersigned for a Certificate of Non conformity pursuant to N.J.S. 40:55D-68 for a pre-existing non-conforming \_\_\_\_\_ and any and all variances and waivers as deemed

*(describe the non-conformity)*  
necessary by the Board on the premises at: \_\_\_\_\_  
*(list street address)*

which is designated as **Block** \_\_\_\_\_, **Lot** \_\_\_\_\_ on the Tax Maps of the Borough of Garwood.

You may appear in person, by agent, or attorney and may present any objections that you may have regarding the granting of this request.

All documents relating to this application may be inspected by the public between the hours of 9:00 a.m. and 4:00 p.m. in the office of Board Secretary, which is located in Garwood Municipal Building, 403 South Avenue, Garwood, New Jersey, 07027

Applicant Name

\_\_\_\_\_  
Address

*(Publication End Here)*

The "Notice to Adjacent Property Owners (within 200-feet)" shall be used for publication in the Westfield Leader or Star Ledger and shall also be sent, by certified mail, to all names listed on the certified list of property owners which you have (or will) receive from the Borough Clerks Office. **Use the entire notice for certified/registered mailing and use all from "PLEASE TAKE NOTICE" to the end for publication.**

By law, the notice must be both mailed and published at least 10 days prior to the hearing date. Failure to serve notice will result in the postponement of the applicant's case. **Please request an Affidavit Proof of Publication when submitting the notice to the paper.**



**BOROUGH OF GARWOOD  
PLANNING/ZONING BOARD  
MEETING NOTICE**

The matter is scheduled for a virtual / electronic public hearing before the Garwood Planning Board for \_\_\_\_\_ at 7:30 pm (there will be no in-person meeting). In response to the COVID-19 emergency, pursuant to Governor Murphy's 2020 NJ Executive Orders Nos. 103, 107, et seq. and per the corresponding guidelines issued by the N.J.D.C.A. Division of Local Government Services, the public hearing will be conducted virtually, via RingCentral, and the hearing will be accessible to the public at the below login: Join from PC, Mac, Linux, iOS or Android: <https://meetings.ringcentral.com/j/6432970558>

Alternatively, you may dial in to hear/participate at audio dial-in: Telephone: Dial: +1 (646) 357-3664, Meeting ID: 643 297 0558

All application documents, plans, filed materials exhibits and related information will be accessible online at [www.garwood.org](http://www.garwood.org). All filings will be submitted / available within the applicable statutory deadlines. If a member of the public wishes to participate in the virtual meeting, it is recommended that the Board Secretary, Adele Lewis, be contacted at [a-lewis@garwood.org](mailto:a-lewis@garwood.org) and advised of the intention to participate. The municipal building remains closed to the public as of the date of this notice. If a member of the public lacks the technology capability to view materials online, log-in and/or dial-in to the proceeding(s), it is recommended that the Board Secretary be contacted to determine how to obtain/review physical documents, whether at the Borough of Garwood Municipal Building (403 South Avenue, Garwood, NJ) at some other location designated by the municipality or by mailing, at the municipality's determination.

Adele C. Lewis  
Board Secretary  
Garwood Planning/Zoning Board