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IN THE MATTER OF : **GARWOOD PLANNING BOARD**

GARWOOD GARDENS, LLC :

54 Third Avenue, Garwood, NJ : *Certificate of Non-Conformity*

Block 204 Lot 26 R/A Zone :

Hearing Date: July 23, 2025 :

Memorialization Date: October 22, 2025 :

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WHEREAS, Garwood Gardens, LLC (“the Applicant”), is the contract purchaser of the property located at 54 Third Avenue, Garwood, New Jersey, also known as Lot 26 in Block 204 on the Garwood Tax Map (hereinafter “the Property”); and

WHEREAS, Applicant makes the within application for a Certificate of Non-Conformity, pursuant to N.J.S.A. 40:55D-68, to regularize the existing use of the Property as a 36-unit garden apartment complex, although it is located in the R/A one-family Zone, in anticipation of closing on its purchase; and

WHEREAS, the application was presented by Marc Leibman, Esq., of Chiesa Shahinian & Giantomasi, PC, on behalf of Applicant, on the record at a regular Board meeting of July 23, 2025, at which meeting Kathryn Gregory, P.P., of Gregory Associates qualified as an expert planner, and thereupon testified and presented evidence as follows:

1. Ms. Gregory submitted a report, dated April 2, 2025, as to which she had testified at the May 28, 2025 meeting of the Planning Board.
2. The lot in question is .794 acres, which is far in excess of the minimum lot size of the R/A Zone.
3. The use of the Property, as a 36-unit garden apartment complex, is not a permitted Use in the Zone.

4. The historical records are minimal, but it appears that the complex was built in or about 1940.
5. OPRA requests have been unproductive in confirming the date when the Zone became single-family residential; and

WHEREAS, the Board considered Ms. Gregory's report of April 2, 2025 as part of the record; and

WHEREAS, Applicant's counsel, Mr. Leibman, advised that Applicant's intention is to maintain the Property, and refurbish and rehab individual apartment units as there is tenant turnover; and

WHEREAS, a resident of the Property, Jill Pall, of 54 Third Avenue, testified that she has lived at the Property for 12 years, and expressed a desire that the Property will be maintained and improved by the Applicant (contract purchaser); and

WHEREAS, Michael Vena, of 210 New Street, expressed the view that the Board should not be requiring improvements to the Property, as no Variance is sought; and

WHEREAS, there was no objection raised by any member of the public;

WHEREAS, the Board has the authority, pursuant to N.J.S.A. 40:55D-68, to issue certificates of non-conformity for use; and

WHEREAS, the Board found the above-cited testimony of Ms. Gregory on behalf of Applicant, as well as the representations of Mr. Liebman, as well as written evidence submitted by Applicant as part of the application package, to be credible and persuasive that the use of the subject property has always been as a 36-unit garden apartment complex, and, in fact same constitutes a valid pre-existing use; and

WHEREAS, the Board finds, as a fact, that the use of the Property as a 36-unit garden apartment complex apparently pre-dates the establishment of the zoning restriction limiting the zone to one-family use, and that such garden apartment complex use has been consistently maintained; and

WHEREAS, the Applicant demonstrated its entitlement to the relief sought;

**NOW, THEREFORE, be it resolved by the Planning Board of the Borough of Garwood as follows:**

The aforesated use of the subject property as a 36-unit garden apartment complex is hereby recognized to be a valid pre-existing non-conforming use and Applicant is entitled to a Certificate of Non-Conformity.

The application was moved by Kathleen Villaggio and seconded by Stephanie Bianco. The application carried, 8-0, as follows:

*Voting in favor of Motion:*

Katya Lysak  
Kathleen Villaggio  
MaryAnn Hay  
William Nierstedt  
Stephanie Bianco  
Mayor Jen Blumenstock  
Councilman Vincent Kearney  
Chairman Stephen Greet

*Opposed:*

None

  
STEPHEN GREET  
Planning Board Chairman

  
ADELE LEWIS  
Planning Board Secretary

