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

59 WILLOW, LLC :

59 Willow Avenue, Garwood, NJ : *Certificate of Non-Conformity*

Block 507 Lot 2 R/A Zone :

Hearing Date: July 23, 2025 :

Memorialization Date: October 22, 2025 :

WHEREAS, 59 Willow, LLC (“the Applicant”), is the owner of the property located at 59 Willow Avenue, Garwood, New Jersey, also known as Lot 2 in Block 507 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 two-family house, although it is located in the R/A one-family Zone; and

WHEREAS, the application was presented by Natasha Montalvo, Esq., on behalf of Applicant, on the record at a regular Board meeting of July 23, 2025, at which meeting Elizabeth Carew, a member of 59 Willow, LLC, testified and presented evidence as follows:

1. She grew up in the subject property, which was constructed by her grandparents in or about 1957, has always been a two-family residence.
2. The house is a two-family structure and use, located in a single-family zone.
3. The Certificate of Occupancy from 1957 references that it is a one-family home.
4. The Certificate of Occupancy from October 1962 references conversion of the home to a two-family residence.

5. The Zone maps from October 1922 reference the property being zoned in a two-family zone.
6. The 1962 conversion was done legally, with building permits issued by the town.
7. Upon the 1962 conversion, Ms. Carew's aunt moved to the upstairs unit.
8. Since at least 1969, the property has consistently been used as a two-family home, with various family members residing in the two separate apartments.
9. The units were rented to tenants outside the family starting in 2021, and the LLC was formed in 2022.
10. There are separate entrances, and the units have consistently been occupied by separate households.
11. Applicant seeks the Certificate of Non-Conformity in anticipation of possible sale of the premises.

WHEREAS, there was no objection raised by any member of the public, nor indeed any comment whatsoever.

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. Carew on behalf of Applicant, as well as the 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 two-family house, 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 two-family house pre-dates the establishment of the zoning restriction limiting the zone to one-family use, and that such two-family 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 two-family house 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 William Nierstedt and seconded by Vincent Kearney.

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

