



TOWN OF KEARNY

ZONING BOARD OF ADJUSTMENT

Town Hall Annex - 410 Kearny Avenue
Kearny, New Jersey 07032
(201) 955-7881
FAX (201) 998-5171
www.kearnyusa.com

Procedural Requirements

For A

Certificate of Nonconforming Use Or Structure

- _____ 1. Filing fee of \$50.00, payable to the Town of Kearny.
- _____ 2. 12 copies of the 'Denial/Referral of Permit', prepared by the Zoning Officer.
- _____ 3. 12 copies of a typewritten application completely filled out.
- _____ 4. 12 copies of the survey, pertaining to the property in question.
- _____ 5. 12 sets of floor plans. Plans to identify size and use of each room for the entire dwelling (basement, first floor, second floor, third floor and attic).
- _____ 6. 12 copies of the 'Certification of Lieu of Affidavit'.
- _____ 7. 12 sets of proofs, i.e., Price & Lee Directory, Tax Records, Construction Permits, State Multiple Dwelling Inspection Certificates and other documents showing past use (*areas of importance highlighted*).
- _____ 8. 12 copies of a cover letter outlining your submission of proofs.
- _____ 9. One copy of the deed to the property, certified as a true copy.
- _____ 10. 1 copy of the 'Notice of Hearing to Other Property Owners' (leaving the date of the hearing blank at this time). Property owners within a 200' radius must be notified (hand delivered or sent certified mail, return receipts).
- _____ 11. 1 copy of the 'Tax Statement' indicating that no taxes or assessments for local improvements are due or delinquent for the property in question.
- _____ 12. 1 copy of the 'Affidavit of Proof of Service' with a list of property owners attached, to be submitted to the Board Secretary no later than 48 hours prior to the commencement of the public hearing.
- _____ 13. Publication of application to be made by the applicant in the Jersey Journal (30 Journal Square, Jersey City, NJ 07306, telephone 201-653-1000) at least 10 days prior to hearing.
- _____ 14. 'Affidavit of Publication' to be filed with the Board Secretary no later than 48 hours prior to the commencement of the public hearing.



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CERTIFICATE OF NONCONFORMING USE OR STRUCTURE APPLICATION

APPLICATION FOR A CERTIFICATE CERTIFYING THAT THE USE OR STRUCTURE EXISTED BEFORE THE ADOPTION OF THE ORDINANCE WHICH RENDERED THE USE OR STRUCTURE NONCONFORMING.

APPLICATION NUMBER _____ DATE _____

NOTE: THIS APPLICATION AND DOCUMENTS LISTED ON ATTACHED LIST OF PROCEDURAL REQUIREMENTS MUST BE TYPEWRITTEN, FILED WITH THE SECRETARY OF THE BOARD AT LEAST 10 DAYS PRIOR TO THE DATE OF THE NEXT REGULAR MTG. OF THE BOARD.

APPLICATION IS BEING MADE FOR A CERTIFICATE OF NONCONFORMING USE OR STRUCTURE:

CONSTRUCTED AS A _____ CURRENTLY IN VIOLATION AS A _____

LOCATION _____ LOCATED IN A _____ ZONE.
(Street Address)

BLOCK NUMBER _____ LOT NUMBER _____

NAME OF OWNER _____

ADDRESS _____

TELEPHONE NUMBER _____ DATE OF PURCHASE _____

HAS THERE BEEN ANY REQUESTS FOR A VARIANCE INVOLVING THESE PREMISES? _____

DATE OF ACTION _____

CONSTRUCTION OF BUILDING: FRAME _____ NEW _____

BRICK _____ OLD _____

OTHER _____ # OF FAMILIES _____

STATE THE FACTS UPON WHICH YOU BASE YOUR REQUEST FOR A CERTIFICATE OF NONCONFORMING USE OR STRUCTURE:

OWNER AND/OR APPLICANTS SIGNATURE _____



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Application No.: _____

Note: If the Kearny Zoning Board of Adjustment denies this application during the summary judgment procedure the Board will reschedule the matter for a full plenary hearing *de novo* under N.J.S.A 40:55D-70.

Certification in Lieu of Affidavit

Certification to Continue Existing Nonconforming Use

[Fernandez v. Board of Adj., Town of Kearny, No. A-3417-95T3 (App. Div. April 15, 1997)]

I, _____, certify that:

1. I own the premises located at _____, Kearny, New Jersey, and have owned the premises since _____. I am fully familiar with the history of these premises, including its past use. I make this certification in support of my application to continue the existing nonconforming use of these premises in conformance with the Appellate Division's ruling in Fernandez v. Board of Adj., Town of Kearny, No. A-3417-95T3 (App. Div. April 15, 1997).
2. Describe the use and include the dates of that use: _____

3. That use, as I have described it above, has continued, without interruption, from _____ to the present.
4. I have included with my application true copies of the following documentary evidence known to me that supports the past continued use of these premises. (For example: Price & Lee Directory; Tax Records; Construction Permits; State Multiple Dwelling Inspection Certificates; and other documents showing past use). List all documents submitted with your application here: _____

5. I have provided the Kearny Zoning Board of Adjustment with all relevant evidence, of which I am aware, both for and against my application to continue an existing nonconforming use.

I certify that these statements made by me are true. I am aware that if any of these statements made by me are willfully false I am subject to punishment.

Dated: _____

Signature

Print Name



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NOTICE OF HEARING TO OTHER PROPERTY OWNERS

PLEASE TAKE NOTICE:

THAT _____ has applied to the Zoning Board of Adjustment of the Town of Kearny for a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming for the premises located at _____ in a _____ zone and constructed as a _____.

TO CERTIFY THAT THE APPLICANT HAS A VESTED NONCONFORMING USE OR STRUCTURE AS:

Said property is recorded as BLOCK _____, LOT (S) _____ as shown on the Town Tax Map which is within 200 feet of the property owned by you. This application is now on the Board's calendar and a public hearing has been ordered for _____ at 7:30 p.m. in the Town Hall, 402 Kearny Avenue, Kearny, New Jersey at which time you may appear either in person, by agent, or attorney at the hearing of this application.

This notice is sent to you by the applicant, by order of the Zoning Board of Adjustment.

Respectfully,

Applicants Signature

All documents relating to this application May be inspected by the public between The hours of 9 a.m. & 4 p.m., Monday Through Friday in the office of the Board Secretary, Town Hall Annex, 410 Kearny Avenue, Kearny, NJ 07032 (201-955-7881).



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Tax Statement

Date: _____

To Whom It May Concern:

This is to certify that as of the above captioned date
no taxes or assessments for local improvements are due or
delinquent on _____
(Address)

Block _____, Lot (s) _____.

Signed: _____
Town of Kearny Tax Collector



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AFFIDAVIT OF PROOF OF SERVICE

STATE OF NEW JERSEY)

SS:

COUNTY OF HUDSON)

Re: PREMISES _____

Case No. _____

PROOF OF SERVICE OF NOTICES REQUIRED BY STATUTE
MUST BE FILED AND VERIFIED WITH BOARD SECRETARY
AT LEAST 2 DAYS PRIOR TO MEETING OR CASE WILL NOT
BE HEARD.

_____, of full age, being duly sworn
according to law, deposes and says, that (s)he reside(s) at _____

_____, in the municipality of _____

County of _____, and State of _____, that (s)he is

(are) the applicant(s) in a proceeding before the Zoning Board of Adjustment of the Town of Kearny, being
an appeal or application under the Zoning Ordinance and relates to the premises _____;

that on _____, 19____, he gave written notices of the hearing on this application to each and all of the persons upon whom service
must be had, in the required form and according to the attached lists, and in the manner indicated thereon pursuant to R.S. 40:55D-12
and Town Ordinance 9.230 through 9.254. The said notice was served not less than ten days prior to the date of the hearing.

Applicant's Signature

SWORN AND SUBSCRIBED TO BEFORE ME

THIS DAY OF _____, _____

NOTARY PUBLIC

(Note to Applicant: Attach list of all persons served
and return receipts.)