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## INSTRUCTIONS AND CHECKLIST FOR COMPLETING CONDITIONAL USE APPLICATION

### 1. IMPORTANT NOTICE

The application procedures described below are intended to make the application process as simple as possible while simultaneously providing the Board with sufficient information to enable it to reach an informed decision as quickly as possible. It is therefore important that the applicant carefully and fully comply with these instructions. Failure to do so will delay action on the application until all requirements listed below are met. **The Board cannot act on incomplete applications.**

### II. CONDITIONAL USE DEFINITION AND APPROVAL

A Conditional Use is a use permitted in the Zoning Ordinance of the Borough of New Providence. All conditional uses require approval of the Planning Board or the Board of Adjustment. The conditional use can be permitted only after the determination that the proposed use will benefit the public and will not be a detriment to surrounding properties. A proposed use not listed in the Zoning Ordinance requires a D Variance and must be requested on a Variance Application.

The consideration of a Conditional Use Application must be made at the same time as any required Site Plan review. The Board of Adjustment may approve a conditional use only when the proposed development requires a D Variance. All other applications for conditional uses must be submitted to the Planning Board.

### III. WHERE TO BEGIN

You may apply to the Zoning Officer for a zoning/building permit and obtain from him/her a form stating the reasons for denial of the permit. This step is not mandatory but may be helpful in determining if the proposed use is permitted by the Zoning Ordinance.

### IV. INFORMATION TO BE SUBMITTED

An application for a Conditional Use shall not be considered complete until all the material and information specified on the Conditional Use Application Checklist have been submitted, unless, upon receipt of a written request from the applicant, a specified requirement is waived by the Board to which the appeal is made. The request for a waiver shall accompany the application and shall be granted or denied within forty-five days of receipt of said request.

The following information relates to the numbered items on the checklist:

8. List of persons notified of Conditional Use Application and certification

Upon application to the Borough Assessor and the payment of a \$10.00 fee, the Assessor will provide and certify a list of the adjoining property owners. The applicant may develop his own list of adjoining property owners in which case the applicant must submit a notarized affidavit that the list includes all property owners within two hundred feet of the subject property. The list must include property owners in other municipalities if within two hundred feet.

Notice must be given to the adjoining municipality if the property is within two hundred feet of the Borough boundary.

Notice must be given to the Union County Planning Board if the property is adjacent to an existing or proposed county road, adjoins county land or is situated within two hundred feet of the Borough boundary.

9. Copy of notice of Conditional Use Application and notarized Proof of Service.

Notice shall be given to adjoining property owners, adjoining municipalities and the Union County Planning Board by personal service or by certified mail, and shall be addressed to the Municipal Clerk of adjoining municipalities, when required.

A notice of the public hearing on the application must be advertised in the legal newspaper of the Borough.

Notice must be given at least ten days before the public hearing on the application. A copy of the notice given to adjoining property owners and the newspaper advertisement and a notarized Proof of Service Affidavit must be submitted with the application.

10. Tax payment certification

A certification by the Borough Tax Collector that taxes are fully paid to date must be submitted.

## CONDITIONAL USE APPLICATION CHECKLIST

Name \_\_\_\_\_ Block No. \_\_\_\_\_ Lot No. \_\_\_\_\_

In order for your application to be considered and a public hearing held, the following items must be submitted. All items must be submitted to the Board Secretary at least ten days before the date of the public hearing. Indicate by a check that the item is provided, by "NA" that the item does not apply and by "W" that a waiver request is being submitted.

- 1. Conditional Use Application form – 20 copies
- 2. Conditional Use Application Checklist – 20 copies
- 3. Site Plan Application, if required – 20 copies
- 4. Denial from Zoning Officer, if requested – 20 copies

The following items must be submitted if no Site Plan Application is required:

- 5. Location Map - 6 copies at full size and 14 copies at half size  
To be at a scale of not more than one inch equals one hundred feet showing the location of the property, all streets and property lines within two hundred feet of the affected property, and all buildings or structures within two hundred feet of the building or structure proposed for use by the applicant. Full size is twenty-four inches by thirty-six inches.
- 6. Plot Plan -6 copies at full size and 14 copies at half size  
To be at a scale of not more than one inch equals thirty feet showing all lot line dimensions; all existing structures and proposed additions or changes, if any, with dimensions; and all front, side and rear yard dimensions. Full size is twenty-four inches by thirty-six inches.
- 7. Architectural plan - 6 copies at full size and 14 copies at half size  
An architectural drawing or sketch showing a design view of the existing front, side and rear elevations and proposed additions or changes, if any, with dimensions. Full size is twenty-four inches by thirty-six inches.
- 8. List of persons notified of Conditional Use Application and certification.
- 9. Copy of notice of Conditional Use Application and notarized Proof of Service.
- 10. Tax payment certification
- 11. Completed Federal W-9 Taxpayer ID Form

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Applicant's Signature

Conditional Use Application

Board of Adjustment – Planning Board  
Borough of New Providence

**FOR OFFICIAL USE ONLY**

Date Application Filed:	Application #
Fee Amount Paid:	Date Paid:
Date Application Completed	Notice Sent:
Block No:	Lot No.(s)
Time Period Expires	

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**SECTION 1. INFORMATION REGARDING THE APPLICANT**

a) Full legal name \_\_\_\_\_

b) Mailing address \_\_\_\_\_  
\_\_\_\_\_

c) Telephone number \_\_\_\_\_

d) The applicant is (check one): INDIVIDUAL (S) \_\_\_\_\_ CORPORATION \_\_\_\_\_  
PARTNERSHIP \_\_\_\_\_ OTHER (specify) \_\_\_\_\_

If the applicant is a corporation or a partnership, information specified in Article 8D of the Land Use Procedures Ordinance must be included as a rider to this application. All corporate applicants must be represented by an attorney.

e) The relationship of the applicant to the property in question is (check one): OWNER \_\_\_\_\_  
TENANT or LESSEE \_\_\_\_\_ PURCHASER UNDER CONTRACT \_\_\_\_\_  
OTHER (specify) \_\_\_\_\_

If the applicant is not the owner of the property in question, the applicant must submit a copy of this application signed by the owner in the space provided in Section 5.

**SECTION 2. INFORMATION REGARDING THE PROPERTY**

a) The street address is \_\_\_\_\_  
\_\_\_\_\_

b) The property is approximately \_\_\_\_\_ feet from the intersection of \_\_\_\_\_  
and \_\_\_\_\_

c) The property is Block No. (s) \_\_\_\_\_ Lot No. (s) \_\_\_\_\_ on the Tax Map and is located in the \_\_\_\_\_ Zone(s).

### **SECTION 3. INFORMATION ABOUT REQUESTED RELIEF**

a) Proposal: With respect to said property, Applicant desires to use the property for the following purpose:

b) Reasons for Permitting Use: The specific facts which show that the permitted use can be allowed without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance:

c) Previous Requests: Relief from the provisions of the zoning ordinance in connection with this property has been previously requested (indicate yes or no) \_\_\_\_\_. If yes, attach a copy of the Board's decision. If yes, attach a copy of the Board decision.

#### SECTION 4. OTHER INFORMATION

a) Attorney: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Address \_\_\_\_\_

b) Use: Describe use of existing building(s) and premises, and if not owner occupied, state name of Lessee.

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c) Adjoining Property: Block and Lot number(s) of any adjoining property currently owned or under contract to purchase by either Applicant or current owner:

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## **SECTION 5. VERIFICATION AND AUTHORIZATION**

a) Applicant: I hereby certify that the above statements made by me and the statements and information contained in the papers submitted in the connection with this application are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

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Applicant's Signature

Date

b) Owner (if owner is not Applicant): I, \_\_\_\_\_ hereby certify that I reside at \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of \_\_\_\_\_; and that I am the owner of that certain lot, piece or parcel of land known as Block (s) \_\_\_\_\_ Lot (s) \_\_\_\_\_ on the Tax Map of the Borough of New Providence, which property is the subject of the above application, and that said application is hereby authorized by me.

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Owner's Signature

Date

### **FOR OFFICIAL USE ONLY**

This application was approved on \_\_\_\_\_. A resolution setting forth the specifics of the approval and conditions, if any, was mailed on \_\_\_\_\_.

This application was denied on \_\_\_\_\_. A resolution of denial was mailed on \_\_\_\_\_.

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Secretary of the Board