



15 South Pennsylvania Avenue
Atlantic City, NJ 08401

**APPLICATION FOR A CERTIFICATE OF NONCONFORMITY
TO THE
CASINO REINVESTMENT DEVELOPMENT AUTHORITY
DIVISION OF LAND USE AND REGULATORY ENFORCEMENT**

Jan., 2023

INSTRUCTIONS

Enclosed are the necessary instructions and forms for making application to the Casino Reinvestment Development Authority, Division of Land Use and Regulatory Enforcement. Please submit the required documentation to:

**Casino Reinvestment Development Authority
Division of Land Use and Regulatory Enforcement
15 S Pennsylvania Avenue
Atlantic City, NJ 08401**

Should you require additional information or clarification regarding this process, please contact the Division of Land Use and Regulatory Enforcement at (609) 347-0500.

1. The Applicant must meet the burden of proof for the relief requested. The Applicant has the obligation to present evidence to explain the history of the use. Specifically, the Applicant must provide evidence that the non-conforming use lawfully existed prior to the adoption of Ordinance and/or State Regulation which rendered the use nonconforming. Applicant must also provide evidence that such use has been continuous, unchanged and was not abandoned.
2. The Applicant shall submit to the Land Use Administrative Official an original and one copy of the attached completed Application form along with copies of any evidence or documents supporting the claim of Nonconformity. Also, the application and supporting documents shall be submitted in PDF format (Max. Size – 4MB) via email or on thumb drive.
3. All evidence must predate the specific ordinance restricting the use and be arranged in chronological order.
4. Questions regarding the specific date or ordinance that rendered the use nonconforming prior to April, 2011 should be directed to the City of Atlantic City, Division of Planning at (609)347-5404. The best evidence or documentation of proof supporting a claim of Nonconformity are documents available through the City of Atlantic City or another governmental agencies. Examples include but are not limited to:

EVIDENCE

- Property Record Cards

GOVERNMENTAL AGENCY

City Tax Assessor
City Hall, Suite 606
1301 Bacharach Boulevard
Atlantic City, NJ 08401
(609)347-5380

EVIDENCE

- State of New Jersey
Multi-Family Dwellings
(3 or more units)

GOVERNMENTAL AGENCY

N.J. Department of Community Affairs
Bureau of Housing Inspection
CN 810
Trenton, NJ 08625-0810
(609)347-6450

5. Non-governmental documents which may support a claim of Nonconformity may be found in the *Atlantic City Free Public Library* located on the corner of Tennessee and Atlantic Avenues. These include, but may not be limited to:
 - The Polk Directory (business and residential listings cross referenced to address).
Note: Prior to 1938, the Polk Directory was listed by name of owner/occupant or business.
 - If searching for proof to predate 1929, you will first have to request a copy of the chain of ownership cards from the Office of the City Engineer(City Hall, Suite 603). These cards are commonly referred to as the “**Blue Cards**”.
 - Advertisements or listings from Telephone Directories.
 - Sanborn Maps.
 - Other directories which may be appropriate.
6. **Applicants are not precluded from submitting personal documents which may support the claim of Nonconformity. Applicants are cautioned however, that this category of documents may or may not be given much credibility.** Examples include, but are not limited to:
 - Property survey
 - Utility Bills
 - Lease agreements and/or rent receipts.
 - Fire and/or Flood Insurance Policies
 - Private inspection reports
 - Third party affidavits
 - Other
7. The Applicant will be notified in writing within 45 days, of any deficiencies in the application package. These deficiencies must be addressed along with providing any required additional information and plans.
8. Upon the determination by the Land Use Administrative Official that the application is complete, which includes submission all fees and escrow amount, the Applicant will be notified, in writing, of the hearing date scheduled for the application.
9. Applicant shall make a request for a “Certified List of Property Owners” to the City of Atlantic City Division of Planning. A sum not to exceed \$0.25 per name, or \$10.00, whichever is greater, may be charged for such list, in accordance with N.J.S.

40:55D-12c. The request must include a fee check payable to "City of Atlantic City". A certified list shall be provided including the names and addresses of all owners of property located within the 200-foot radius as shown on the latest property ownership records within seven days in accordance with N.J.S. 40:55D-12c.

10. Once a hearing date has been scheduled, the Applicant shall, at least 10 days prior to the date of the hearing, give personal notice to all owners of property located within 200 feet of the subject property as shown on the most recent tax list(s) of the City(s) and all other interested persons and public agencies as required by law. Said notice is required whether affected properties are located within or without the City of Atlantic City. Notice must be given by hand delivery to said property owner or his legal agent or representative; or by mailing a copy by certified mail. In addition, the applicant must serve notice by certified mail to all local utility companies. (See attached list). A sample NOTICE has been included with this package. Applicant must arrange to provide proof of mailing or service for every notice served.
11. Notice of the application must also be published in "THE PRESS OF ATLANTIC CITY" at least 10 days prior to the date of hearing.
12. An Affidavit of Service, the receipts from the certified mailing, and a Proof of Publication of the notice as it appeared in THE PRESS OF ATLANTIC CITY must be submitted to Land Use Administrative Official prior to the hearing date.
13. The Applicant, his agent or attorney shall appear before the Division of Land Use and Regulatory Enforcement to present the application. If the applicant is a corporation, LP, LLC or LLP, the application **must** be presented by an attorney.
14. After the close of the hearing, the Land Use Hearing Officer will compile all evidence submitted and copies of all transcripts. He/She will prepare a written recommendation to the members of the CRDA concerning the grant or denial of the relief requested. The recommendation may include the placement of any reasonable and necessary conditions of approval. The recommendation shall be provided to the members of the CRDA as expeditiously as possible to allow sufficient time for the members of the CRDA to consider and decide the application within the timeframe prescribed by the Municipal Land Use Law.
15. The Land Use Administrative Official shall publish a notice of the CRDA's decision in accordance with M.L.U.L.
16. FEES: \$100.00 APPLICATION – RESIDENTIAL (Max. 2 units)
\$150.00 APPLICATION - COMMERCIAL



15 South Pennsylvania Avenue
Atlantic City, NJ 08401

APPLICATION FORM
For
Certificate of Nonconformity

The application, with supporting documentation, must be filed with the Land Use Administrative Officer for review at least fifteen [15] business days prior to the meeting at which the application is to be considered.

To be completed by CRDA staff only.

Date Filed: _____ **Application No.:** _____

Application Fees: _____ **Escrow Deposit:** _____

Scheduled for:
Review for Completeness: _____ **Hearing:** _____

1. SUBJECT PROPERTY

Location: _____

Tax Map Page _____ Block _____ Lot(s) _____

Page _____ Block _____ Lot(s) _____

Dimensions Frontage ___ Depth _____ Total Area _____

Zoning District _____

Explain in detail current Use of Subject Property:

Certificate of Nonconformity being sought for Nonconforming
Use _____ Structure _____ Both _____

2. APPLICANT

Name _____

Email _____

Address _____

Telephone Number _____

Applicant is a: Corporation Partnership Individual

3. DISCLOSURE STATEMENT

Pursuant to N.J.S 40:55D-48.1 [Application by corporation or partnership; list of stockholders owning 10% of stock or 10% interest in partnership.] Disclosure of owners of organization and property subject to application. [A corporation or partnership applying to a governing body of a municipality]Any organization making an application for development under this act [for permission to subdivide a parcel of land into six or more lots, or applying for a variance to construct a multiple dwelling of 25 or more family units or for approval of a site to be used for commercial purposes] shall list the names and addresses of all members, stockholders or individual partners (collectively, "interest holders")[owning at least 10% of its stock of any class or at least 10% of the interest in the partnership], including any other organization holding at least a 10% ownership interest in the organization, and shall also identify the owner of the property subject to the application, including any organization holding at least a 10% ownership interest in the property [as the case may be]. In accordance with 40:55D-48.2 [Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.] Listing of names and addresses of interest holders of applicant and owner organization. If [a corporation or partnership] an organization owns an interest equivalent to 10% or more of another organization the stock of a corporation, or 10% or greater interest in a partnership, subject to the disclosure requirements hereinabove described, [pursuant to section 1 of this act that organization shall list the names and addresses of its interest holders holding 10% or greater interest in the [partnership, as the case may be, and] organization. [this requirement shall be followed by every corporate stockholder or partner in a partnership, until the names and addresses of the stockholders and individual partners, exceeding the 10% ownership criterion established in this act, have been listed.] In accordance with recently added 40:55D-48.3 Disclosure of all officers and trustees of a non-profit organization. A non-profit organization filing an application for development under this act shall list the names and addresses of all officers and trustees of the non-profit organization. In accordance with 40:55D-48.4 [Failure to comply with act; disapproval of application.] Approval of application. *a.* No municipal planning board, board of adjustment or [municipal] governing body shall approve the application of any [corporation or partnership] organization or non-profit organization which does not comply with this act. Any approval not in compliance with this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court. *b.* Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any PROPOSED AMENDMENTS TO MUNICIPAL LAND USE LAW approval granted by a municipal planning board, board of adjustment or governing body on the grounds that such action is void for the reasons stated in subsection *a.* of this section, and if the court shall find that the approval was not in compliance with this act, the court may declare the approval to be void. In accordance with 40:55D-48.5 [Concealing names of

owners;] Organization or non-profit organization failing to disclose; fine. Any [corporation or partnership which conceals] organization or nonprofit organization failing to disclose in accordance with this act, [the names of stockholders owning 10% or more of its stock, or of individual partners owning a 10% or greater interest in the partnership, as the case may be,] shall be subject to a fine of \$1,000 to \$10,000, which shall be [recovered] recoverable in the name of the municipality in any court of record in the State in a summary manner pursuant to the "Penalty Enforcement Law" (N.J.S.A. 2A:58-1 et seq.).

Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____
 Name _____ Address _____ Interest _____

4. PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes [attach copies] _____ No _____ Proposed _____

Present detailed use of the premises:

Note: All deed restrictions, covenants, easements, association bylaws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

List the types of evidence supporting the claim of nonconformity (attach said evidence hereto):

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

5. Attach a copy of the Notice to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property, which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing. An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

CERTIFICATIONS

27. I _____ certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant.

[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
___ day of _____, 20 ___

NOTARY PUBLIC

SIGNATURE OF APPLICANT

28. I certify that I am the Owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[If the owner is a corporation, this must be signed by an authorized corporate officer. If the owner is a partnership, this must be signed by a general partner.]

Sworn to and subscribed before me this
___ day of _____, 20 ___

NOTARY PUBLIC

SIGNATURE OF OWNER

29. I understand that the sum of \$_____ has been deposited in an escrow account (Builder’s Trust Account). In accordance with Resolution 11-60 of the Casino Reinvestment Development Authority approving Land Use Fees and Escrow Deposit Requirements, I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

NOTICE SERVED ON PROPERTY OWNERS
WITHIN 200 FEET OF SUBJECT PROPERTY

Casino Reinvestment Development Authority
Division of Land Use and Regulatory Enforcement
15 S Pennsylvania Avenue
Atlantic City, NJ 08401

Notice is hereby given that a written application has been filed by the undersigned with the Casino Reinvestment Development Authority for a _____

in and upon the property shown as Block(s) _____, Lot(s) _____
on the official map of the City of Atlantic City, known as _____

A public hearing on the above-mentioned application has been scheduled for the ____ day of _____, 20__, at _____ a.m/p.m. Said hearing shall take place at:

The public is invited to attend this meeting.

The application and all plans relative thereto have been filed with the Land Use Administrative Official, Casino Reinvestment Development Authority, Division of Land Use and Regulatory Enforcement, 15 S Pennsylvania Avenue, Atlantic City, NJ 08401, and are available for inspection Monday through Friday, 9:00 a.m. to 5:00 p.m.

This notice is given in compliance with the requirements of Section 163-198 of the Land Use Development Code of the City of Atlantic City and the N.J.S.A. 40:55D-12.

Name of Applicant: _____

Publication Date: _____

AFFIDAVIT OF SERVICE

Casino Reinvestment Development Authority
Division of Land Use and Regulatory Enforcement
15 S Pennsylvania Avenue
Atlantic City, NJ 08401

I, _____ of full age, being duly sworn according to law upon oath depose and say:

1) That on _____, 20_, which was at least ten (10) days prior to the hearing date, did give notice by personal service or certified mail to all property owners within 200 feet of the premises located on Block(s) _____ Lot(s) _____. All as shown on the tax map of the City of Atlantic City, County of Atlantic, and State of New Jersey. The premises are further _____ identified _____ as _____ (street address).

In addition, notice was provided by personal service or certified mail to Public Utilities, Cable Television Companies and Local Utilities, as required by law, the City of Atlantic City and the Atlantic County Planning Board.

2) Notices were also served upon (Check if applicable):

- State Planning Commission
- New Jersey Department of Transportation
- Clerk of Adjoining Municipalities

3) A copy of said notice is attached hereto and marked "Exhibit A".

4) Notice was also published in the Press of Atlantic City, Legal Section. A copy of the Affidavit of Publication is attached hereto and marked "Exhibit B".

5) A copy of the certified list of property owners within 200 feet of the premises provided by the City of Atlantic City is also attached hereto and marked "Exhibit C"

Signature of Applicant

Sworn and subscribed to
before me this _____ day of 20_____

