



For Office Use Only

Date Filed: _____ Appl. No.: _____

Appl. Fee: \$ _____ Escrow Deposit: \$ _____

Check One:

Zoning Board of Adjustment

Planning Board

TOWNSHIP OF NORTH BRUNSWICK

Variance Application (FORM C)

The original and twenty-four (24) copies of the completed application form supplied by the Township and the required number of copies of supporting documents listed in the applicable checklist must be filed with the Department of Community Development. If a waiver is being requested for any item on the checklist, it must be noted in the “waiver requested” section, and each item must be listed by checklist number and a detailed reason for the request must be provided. Any application that does not include an item required by the checklist, and for which a waiver has not been requested, will be automatically deemed incomplete.

All applications must be accompanied by appropriate fees and escrow deposits together with a written explanation of the amount calculations. Separate application fee and escrow deposit checks must be provided.

In addition to submittal of hard copies of documents, copies of all applications, surveys, plans, reports and studies, such as environmental impact, traffic, storm water, sewer and water reports, and any other documents associated with the application, shall be submitted on a CD in portable document format (pdf) at 400 × 400 dpi. Submittal of such digital copies shall be required to constitute an application for development, and all revised files shall be resubmitted as the originals are changed or amended. Every electronic submission must be accompanied by a cover letter listing all attached documents and any revisions, where applicable. Single-family or two-family homeowners preparing variance applications on their own behalf shall not be subject to this electronic submission requirement, provided that such applications do not require site plan or subdivision approval.

The following proof of satisfying the notice requirements must be filed with the Secretary of the appropriate Board at least five (5) days prior to the date fixed for the hearing:

- Affidavit of Service
- Copy of notice served
- Certified List of Property Owners within 200 feet and others served with manner of service
- Certified Mail receipts stamped by the USPS
- Affidavit of Publication from the newspaper in which the notice was published.

Revision Date: 7/2020



PART I

SUBJECT PROPERTY:

Block 4.50 Lot(s) 22.02, 22.03, 23-27, 27.01 & 28 Zone TMU
Property Location 1975 U.S. Route #1 South & Lemuel Street, North Brunswick, New Jersey 08902
Size of Property 176,438 sq. ft.

Present Use: Residential Non-Residential Vacant
Proposed Use: Residential Non-Residential **Specify:** Underground water collection system & stone surface parking area for inventory storage.

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain _____

Name: Malouf Automotive Group

Address: 2210 U.S. Route #1 North, North Brunswick, New Jersey 08902

Telephone: (732) 951-0300 x5201 Fax: _____

Email: rmalouf461@aol.com

Owner (if different from Applicant):

Name: Richard Malouf

Address: P.O. Box 7480, North Brunswick, New Jersey 08902

Telephone: (732) 951-0300 x5201 Fax: _____

Email: rmalouf461@aol.com

Engineer:

Name: Ronald J. Sadowski, P.E.

Address: 10 Edward Road, Edison, New Jersey 08820

Telephone: (732) 744-6392 Fax: _____

Email: ronsadowski@verizon.net

Attorney:

Name: Anthony B. Vignuolo, Esq., Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl, P.C.

Address: 2875 U.S. Highway #1, North Brunswick, New Jersey 08902

Telephone: (732) 422-1000 x221 Fax: (732) 422-1016

Email: avignuolo@borrus.com & erin@borrus.com



PART II

Describe the Proposed Development/Request (continue on a separate sheet if necessary):

The applicant proposes to remove the existing detention basin and replace it with an _____
underground water collection system, and add an additional stone surface parking area for _____
inventory vehicle storage, to which the general public will not have access. _____

VARIANCE(S) REQUESTED (Check all that apply):

"C" Variance(s):

- C(1) - The strict application of the provisions of Chapter 205 would result in peculiar and exceptional practical difficulties or exceptional and undue hardship.
- C(2) - The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

"D" Variance(s):

- D(1) - Use or principal structure in a district restricted against such use or principal structure.
- D(2) - Expansion of a nonconforming use.
- D(3) - Deviation from a specification or standard pertaining solely to a conditional use.
- D(4) - Increase in the permitted floor area ratio.
- D(5) - Increase in the permitted density.
- D(6) - Height of a principal structure exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

ASSOCIATED APPROVALS REQUESTED:

Site Plan:

- Site Plan
- Amended Site Plan
- Conditional Use

Subdivision:

- Minor Subdivision
- Preliminary Major Subdivision
- Final Major Subdivision
- Amended Preliminary Major Subdivision
- Amended Final Major Subdivision

Other (specify): _____



Is the application proposed to be bifurcated?

YES

NO

If bifurcated, identify the nature of subsequent development approvals to be sought:

Identify Requested Variances:

Ordinance Section:	Requirement:	Proposed Deviation:
§205- 68(D)	Front Yard Setback - 10 ft.	9.3 ft.
§205- 98(A)	Parking Dimensions - 9 ft. x 18 ft.	8 ft. x 17 ft.
§205- 96(A)	Parking Surface - Dustless, durable, all-weather pavement	Stone
§205- 4.1	Impervious Coverage - 80%	81.8%
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____

Identify Requested Design Waivers:

Ordinance Section:	Requirement:	Proposed Deviation:
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____

“C” Variance(s) (Check one that applies):

A variance under N.J.S.A. 40:55D-70.C(1):

Detail your argument for how this case conforms to this requirement, including, if applicable, reference to exceptional narrowness, shallowness or shape of the property, or exceptional topographic conditions or physical features uniquely affecting the property, or extraordinary and



exceptional situations uniquely affecting the property or the structures lawfully existing thereon:

and/or

A variance under N.J.S.A. 40:55D-70.C(2):

Detail your argument for how this case conforms to this requirement: _____

The conversion of the limited detention pond area to inventory (not public) parking does not permit the development based upon the size of the converted area.

D Variance(s):

State special reasons why the refusal to allow the project would impose on the applicant an undue hardship and/or how the proposed project carries out a purpose of zoning as defined in N.J.S. 40:55D-2. Detail your argument for 1) how the proposed use inherently serves the public good, and/or 2) why the property cannot reasonably be adapted to a conforming use, and/or 3) what unique characteristics of the site make it particularly appropriate for the proposed use rather than a permitted use: _____

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good: The development permits the full utilization of the site, while maintaining the requirement of proper drainage. The variances as the setback; stall size; surface, and impervious coverage are de minimus.

Supply a statement of facts why relief can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance: The site was authorized by prior Board action in 2008, as a Cadillac Sales/Services location. The proposed development will not intensify the use since the public will have no access to the inventory parking.



PART III

Has there been any previous application to any Township Board involving these premises?

YES NO

If yes, provide file number(s) and state the nature, date and disposition of said mater:
In 2008 the site was approved for the construction of a Cadillac sales/service building with
outdoor display.

Is public water available?

YES NO

If no, how will water service be supplied? _____

Is public sewer available?

YES NO

If no, provide proposed method of sewage disposal: _____

Are there any existing deed restrictions, easements or covenants?

YES NO

If yes, are copies provided?

YES NO

Are any deed restrictions, easements or covenants contemplated?

YES NO

If yes, are copies provided?

YES NO

Does the owner own or have any ownership interest in any contiguous property?

YES NO

If yes, provide type of ownership, address, block and lot(s): _____

LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

Quantity:	Description of Item:
<u>15</u>	<u>Site Improvement Plan (24" x 36") prepared by Ronald J. Sadowski, P.E.</u>
<u>15</u>	<u>Site Improvement Plan (11" x 17") prepared by Ronald J. Sadowski, P.E.</u>
<u>1</u>	<u>Site Improvement Plan (digital) prepared by Ronald J. Sadowski, P.E.</u>
<u>15</u>	<u>Storm Water Management Report prepared by Ronald J. Sadowski, P.E.</u>



ESCROW FUNDS AGREEMENT:

The Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) authorizes the collection of Technical Review Escrow Fees to cover the costs incurred by the Township for professional services involved in the review of land use development applications. Subsection 205-139 of the North Brunswick Township Land Use Ordinance establishes the amount of Technical Review Escrow Fees and the procedures for collecting and replenishing same. I hereby acknowledge and agree to the following: 1) I am responsible for the cost of all reasonable professional services rendered to the Planning Board or Board of Adjustment during the review and processing of my development application. 2) If I receive a written Deficiency Notice from the Chief Financial Officer or his/her designee (CFO) that the balance of funds remaining in the account is insufficient to cover invoices, vouchers or bills submitted to the Township for services which have already been performed, no further consideration, review or processing of the application will be permitted until such time as the funds requested in the Deficiency Notice have been deposited, and this cessation of work could result in carrying my application to the next regularly scheduled public meeting of the designated land use agency. 3) Failure to deposit the amount requested in the Deficiency Notice within ten days of receipt shall toll the period for action by the Planning Board or Board of Adjustment as stipulated in N.J.S.A. 40:55D-1 et seq., and shall bar me from seeking a default approval under N.J.S.A. 40:55D-10.4. 4) Failure to post funds requested in the Deficiency Notice within 45 days shall be grounds for dismissal of my application without prejudice, and I acknowledge that failure to pay the shortfall shall result in the shortfall being deemed a lien on the property which is subject of the land development application. 5) In the event that my application is approved and a Deficiency Notice is received after the approval is memorialized, failure to pay the shortfall amount shall be grounds for voiding the approval. 6) In the event that my application is denied and a Deficiency Notice is received after the denial is memorialized, I am still obligated to pay any shortfall amount, and I acknowledge that failure to pay the shortfall shall result in the shortfall being deemed a lien on the property which is subject of the land development application.

Applicant's Signature:

Richard Phabf

Date: 02/23/2021

Owner's Signature (if different from Applicant):

Richard Phabf

Date: 02/23/2021



SITE INSPECTION AUTHORIZATION

I hereby give permission for North Brunswick professional staff or municipal agencies and their agents to come upon and inspect these premises with respect to this application.

Owner's Signature: *Richard Malouf* Date: 02/23/2021

APPLICANT'S CERTIFICATION:

I, Malouf Automotive Group, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 2210 U.S. Route #1 North, North Brunswick, New Jersey 08902 in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the individual applicant, or a general partner of the partnership applicant, or an officer of the corporate applicant, and I am authorized to sign the application for the partnership or corporation.

Richard Malouf
SIGNATURE

Sworn to and subscribed before me this 23rd day of February, 2021



Erin Santora LaGrua
NOTARY PUBLIC

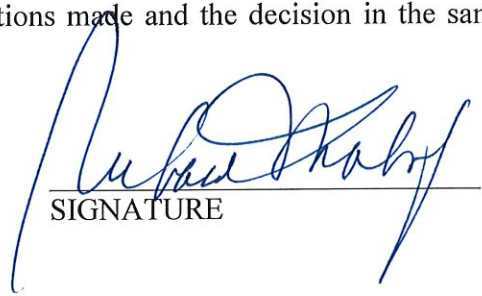
Erin E. Santora LaGrua
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/20/2024

OWNER'S CERTIFICATION (If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner):

I, Richard Malouf, of full age, being duly sworn according to law and upon my oath depose that: I reside at P.O. Box 7480, North Brunswick, New Jersey 08902 in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner in fee of all that certain lot, piece or parcel of land



situated, lying, and being in the municipality aforesaid, and known and designated as Block(s) 4.50 and Lot(s) 22.02, 22.03 & 23-27, 27.01 & 28, and that I am either the applicant or I have authorized the applicant to make this application, and I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.



 SIGNATURE

Sworn to and subscribed before me this 23rd day of February, 2021



 NOTARY PUBLIC

Erin E. Santora LaGrua
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 8/20/2024