

TOWNSHIP OF NORTH BRUNSWICK

710 HERMANN ROAD
NORTH BRUNSWICK, NJ 08902

Tel.: (732) 247-0922 x440

Fax: (732) 289-3822

Website: WWW.NORTHBRUNSWICKNJ.GOV

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Kushal Shah
685 Magnolia Road
North Brunswick, NJ 08902

FROM: Andrei Alexeev, Zoning Officer

DATE April 16, 2021

SUBJECT: Block: 143 Lot(s): 196.02
Street Address: 685 Magnolia Road
Applicant: Kushal Shah

Dear Mr. Shah:

I have reviewed the application for a setback variance at the above referenced address, and I am issuing the following report.

The following application materials were reviewed:

- 1-sheet copy of the property survey marked to show the location of the proposed fence.

Administrative

1. The applicant proposes to install a 6 ft. privacy fence in the required 35 ft. front yard setback along Holly Road, whereas an open fence not exceeding four feet in height above ground level is required.
2. The subject property is a corner lot located at the intersection of Magnolia Road and Holly Road. The property has two front yards.
3. The subject property is a single-family dwelling and it is located in the R-3 Residential Zoning District. Single-family use is permitted in the R-3 zone.



Figure 1: Subject property (Street View).



Figure 2: Subject property (Aerial View).

4. Variances associated with the development application are summarized in the following table(s):

a. The proposed development requires the following “C” variance(s):

Description	Max. Permitted	Proposed	Variance	Ordinance
Fence in Front Yard	4 ft., open type	6 ft., solid	V	§ 205-93 (A) (1) (a)

V = Variance

Technical

Variances:

- Fence in Front Yard** – The applicant proposes to install a 6 ft. privacy fence in the required 35 ft. front yard setback along Holly Road, whereas only open type fences not exceeding four feet in height above ground level may be located in a front yard (§ 205-93 (A)(1)(a)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.

The Township reserves the right to further comment based upon the testimony at the public hearing.

Completeness

1. Fees and Escrow Deposits (§ 205-139):

The applicant must remit the following application fees and technical review escrow deposits in order for a completeness certification to be issued.

Land Use Application Fees:

C Variance (Residential): \$100.00

TOTAL: \$100.00

Technical Review Escrow Deposit:

C Variance (Residential): \$350.00

TOTAL: \$350.00

Please remit two separate checks in the above total amounts along with 3 copies of the Tax and Assessment Payment Report form and enclosed W-9 form. Upon the satisfaction and/or submission of the above referenced item(s) and their review by this office for compliance with the Land Use Ordinance, you will be notified regarding the status of your application with respect to a Board hearing, for which proper notification will be required. If you have any questions, you may contact Kristen Olcsvay, Secretary to the Zoning Board of Adjustment, at 732-247-0922, extension 440.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrei Alexeev', is written over a horizontal line.

Andrei Alexeev, Zoning Officer

Phone: 732-247-0922 x 207

Email: aalexeev@northbrunswicknj.gov

c: Mayor and Council
Michael Hritz, Director of Community Development
Tom Vigna, Planner
Zoning Board of Adjustment



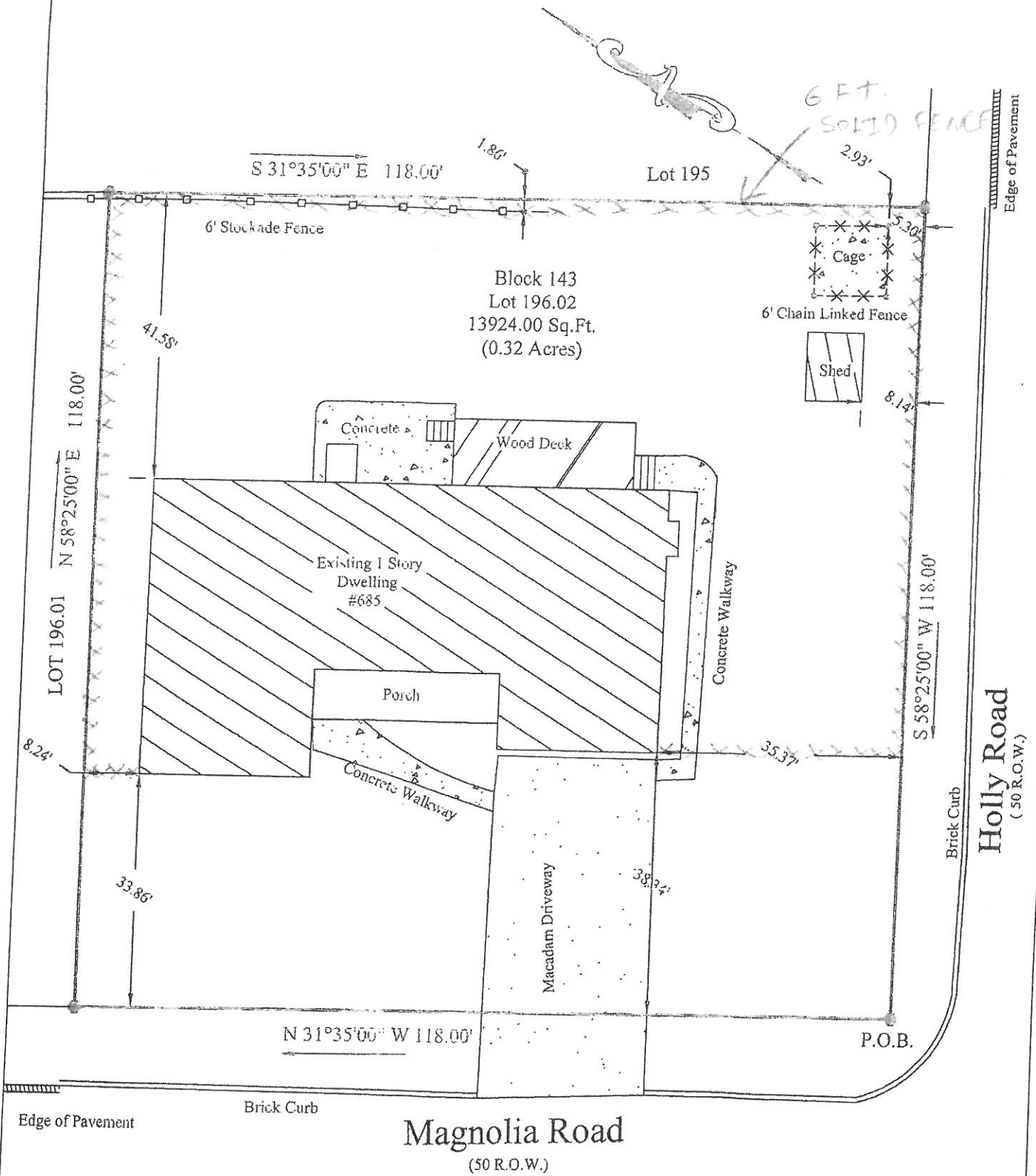
Approximate fence install area [Rough Diagram]
 "Property Survey attached"

Site: 685 magnolia
 Survey: 21 Mar 2021
 File Created: Mar 23, 2021

References

Deed: Book 4079 Pages 773- 777for Lot 196.02; Book 4330 Page 871 for Lot 195; Book 2805 Page 970 for Lot 196.01; Book 5838 Page 548 for Lot 193.

Tax Map: Also known as Lot 196.02 in Block 143 on the Tax Map of the Township of North Brunswick.



Certified To:

A written waiver & direction not to set corner markers has been obtained from the ultimate user pursuant to N.J.A.C. 13:40-5.1 (D)



FORMOSA ENGINEERING INC.

56 Bridge Street
Metuchen, New Jersey 08840
Tel (732) 632-8087
Fax (732) 632-8872
awformosaeng@aol.com

Legal Description

Project No. 05513
March 14, 2013
685 Magnolia Road
Lot 196.02 in Block 143
Township of North Brunswick
Middlesex County, New Jersey

BEGINNING at point of the intersection of northeasterly line of Magnolia Road (50 R.O.W.), with the northwesterly line of Holly Road (50' R.O.W.), and running; THENCE

1. Along the Northeasterly line of Magnolia Road, North 31 degrees 35 minutes 00 seconds West, 118.00' to a point; THENCE
2. North 58 degrees 25 minutes 00 seconds East, 118.00' to a point; THENCE
3. South 31 degrees 35 minutes 00 seconds East, 118.00' to a point in the Northwesterly line of Holly Road; THENCE
4. Along the said line of Holly Road, South 58 degrees 25 minutes 00 seconds West, 118.00' to the point and place of BEGINNING.

Also known as Lot 196.02 in Block 143 on the Tax Map of the Township of North Brunswick.

And commonly known as 685 Magnolia Road, North Brunswick Township, New Jersey.

The above description being drawn in accordance with a survey prepared by Formosa Engineering, INC. dated March 13, 2013.

ANDREW K. WU P.E. & P.L.S. N.J. #GB34581



For Office Use Only	
Date Filed: _____	Appl. No.: _____
Appl. Fee: \$ _____	Escrow Deposit: \$ _____
Check One:	
<input type="checkbox"/> Zoning Board of Adjustment	
<input type="checkbox"/> Planning Board	

Revision Date: 9/2020

TOWNSHIP OF NORTH BRUNSWICK

Variance Application (FORM C)

The original and fourteen (14) 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, stormwater, 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.



PART I

SUBJECT PROPERTY:

Block 143 Lot(s) 196.02 Zone _____
Property Location 685 MAGNOLIA ROAD
Size of Property 118 x118

Present Use: Residential Non-Residential Vacant
Proposed Use: Residential Non-Residential Specify: _____

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain _____

Name: KUSHAL SHAH

Address: 685 MAGNOLIA ROAD, NORTH BRUNSWICK, NEW JERSEY - 08902

Telephone: 732-861-7636 Fax: _____

Email: kushalshah05@gmail.com

Owner (if different from Applicant):

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

Engineer:

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

Attorney:

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____



PART II

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

I RECENTLY APPLIED FOR A FENCE APPLICATION AND IT WAS DENIED DUE TO THE VARIANCE REQUIRED TO ERECT A 6 FEET SOLID FENCE IN THE FRONT YARD [HOLLY ROAD SIDE], AS MY PROPERTY IS A CORNER LOT AND THE SIDE YARD ON HOLLY ROAD SIDE IS CONSIDERED AS A FRONT YARD.
THE REQUEST IS TO GET A VARIANCE FOR THE REQUIRED 6 FEET SOLID FENCE.

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): _____

A change to a nonpermitted use shall require a site plan approval or, as a minimum, a site plan waiver request. Such request may be considered by the Board, and, if granted, will constitute an acknowledgment by the Board that the condition of the property is satisfactory and meets the requirements of Chapter 205. No site plan waiver will be granted if the condition of the property is not satisfactory in such matters as traffic, circulation, access, parking, lighting, setbacks, lot coverage, safety, landscaping, buffer, fire safety, noise or other requirements of Chapter 205

Is a site plan waiver requested?

YES NO

If a site plan waiver is sought, explain why the request shall be granted:

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:
§205-93(A)(1)(a)

Requirement:
4 FEET OPEN FENCE

Proposed Deviation:
6 FEET SOLID FENCE



§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____

Identify Requested Design Waivers:

Ordinance Section:	Requirement:	Proposed Deviation:
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§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: The installation of 6 feet solid fence is required to have privacy and safety of kids playing in the yard.



The fence will give us a sense of freedom for kids to play in the yard.

The purpose of this fence is purely for our security as it wont be possible with a 4 feet fence.

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: _____

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 purpose of this fence is purely for our security. We do not intend for this to be an issue for anyone else. The 6 feet fence would add positive value to the house and therefore add positive value to the neighbourhood.

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 6 feet fence will be installed 45 feet from the curb line on magnolia road side and along the property line on holly road side, which is again 10 feet from the curb line. This will in no manner create any nuisance or create any vision related issues at the magnolia road x holly road intersection as the fence will be installed at least 45 feet from the curb line of magnolia road side of property.



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:

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): _____

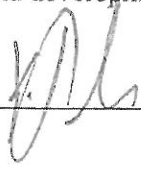
LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:

Quantity:	Description of Item:
15	Variance Application [Form C]
15	Initial Fence Application and Denial Letter from Zoning Officer
15	Property Survey



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.

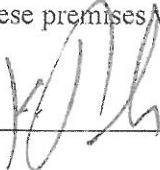
Applicant's Signature:  Date: 04/12/2021

Owner's Signature (if different from Applicant): _____ Date: _____



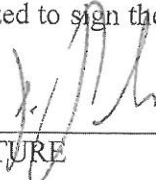
SITE INSPECTION AUTHORIZATION

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:  Date: 04/12/2021

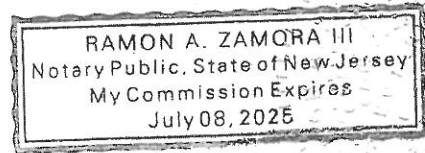
APPLICANT'S CERTIFICATION:

I, KUSHAL PANKAJKUMAR SHAH, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 685 MAGNOLIA ROAD, NORTH BRUNSWICK 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.


SIGNATURE

Sworn to and subscribed before me this 12th day of April, 2021


NOTARY PUBLIC



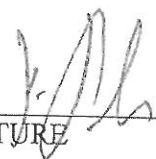
OWNER'S CERTIFICATION (If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner):

I, KUSHAL PANKAJKUMAR SHAH, of full age, being duly sworn according to law and upon my oath depose that: I reside at 685 MAGNOLIA ROAD, NORTH BRUNSWICK 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) 143 and Lot(s) 196.02

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 12th day of
April, 20 21


NOTARY PUBLIC

RAMON A. ZAMORA III
Notary Public, State of New Jersey
My Commission Expires
July 08, 2025