



TOWNSHIP OF NORTH BRUNSWICK
710 HERMANN ROAD
NORTH BRUNSWICK, NJ 08902

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DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Kalpeshkumar and Mitalben Patel
635 Dewey Road
North Brunswick, NJ 08902

FROM: Andrei Alexeev, Zoning Officer

DATE: July 7, 2021

SUBJECT: Block: 143 Lot(s): 164.02
Street Address: 635 Dewey Road
Applicant: Kalpeshkumar and Mitalben Patel

Dear Mr. and Mrs. Patel:

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:

- o 5-sheet architectural plan prepared by Bogdan Szacillo, dated 4/26/2021, revised through 6/11/2021.
- o A copy of the property survey prepared by Wayne H. Canada, dated 12/20/2013.

Administrative

1. The applicant proposes to partially demolish an existing 1.5-story single-family dwelling and construct a 2-story single-family dwelling on the existing partial foundation and one wall, construct a new 10 ft. by 20 ft. open rear deck, and remove and replace the existing driveway.

2. The subject property is a single-family dwelling located in the R-3 Residential Zoning District, and a single-family dwelling is a permitted use in the zone (Figures 1 & 2 below).



Figure 1: Subject property (2D view).



Figure 2: Subject property (Street view).

3. Research of the property records revealed that the dwelling was built in or about 1978, and the existing location of the building and the location of the existing driveway violate the minimum side yard setback requirements.

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	Min. Required/Max. Permitted	Proposed	Variance	Ordinance
Side Yard Setback, Dwelling	8 ft.	7.5 ft.	V	§ 205-4.1 (Table 1, R-3 Zone)
Combined Side Yard Setback, Dwelling	20 ft.	15.56 ft.	V	§ 205-4.1 (Table 1, R-3 Zone)
Side Yard Setback, Driveway	3 ft.	Approx. 0 ft.	V	§ 205-43.2

V = Variance

Technical

1. Variances:

- a. **Side Yard Setback, Dwelling** – The Applicant proposes to partially demolish an existing 1.5-story single-family dwelling and reuse the existing partial foundation and one wall to construct a second-story addition 7.5 ft. from the side property line, whereas a minimum 8 ft. side yard setback is required (§ 205-4.1 (Table 1, R-3 Zone)). No lawfully pre-existing nonconforming building shall be enlarged, extended or increased in size unless such enlargement, extension or increase, including new level additions that fit on top of the existing footprint, complies with all requirements of the zoning district in which the building is located (§ 205-125 (C)). The Applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

- b. **Combined Side Yard Setback, Dwelling** – The Applicant proposes to construct a 2-story single-family dwelling on the existing partial foundation with the combined yard setback of 15.56 ft., whereas a minimum of 20 ft. is required (§ 205-4.1 (Table 1, R-3 Zone)). The Applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

- c. **Side Yard Setback, Driveway** - The Applicant proposes to remove and replace the existing driveway located approximately 0 ft. from the side property line, whereas all driveways and parking spaces for residential dwelling units in any residential zone or for any residential use which are constructed or altered are required to be located no closer

than a minimum of 3 ft. to the side property line. (§ 205-43.2). The Applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

Miscellaneous:

1. The applicant should relocate the existing shed 5 ft. from the side property line, or obtain a variance for the existing location of the shed.

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

Completeness

1. Checklist:

The applicant must remit the following items in order for a completeness certification to be issued:

- Original and 14 copies of pages #10 and 11 of the variance application form.
- 3 copies of Tax and Assessment Payment Report.
- W-9 form.
- Required fees and escrow deposit (see below).

2. 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 the enclosed W-9. 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 Olesvay, Secretary to the Zoning Board of Adjustment, at 732-247-0922, extension 440.

Sincerely,



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



For Office Use Only

Date Filed: _____ Appl. No.: _____
Appl. Fee: \$ _____ Escrow Deposit: \$ _____

Check One:

- Zoning Board of Adjustment
- 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 x 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.

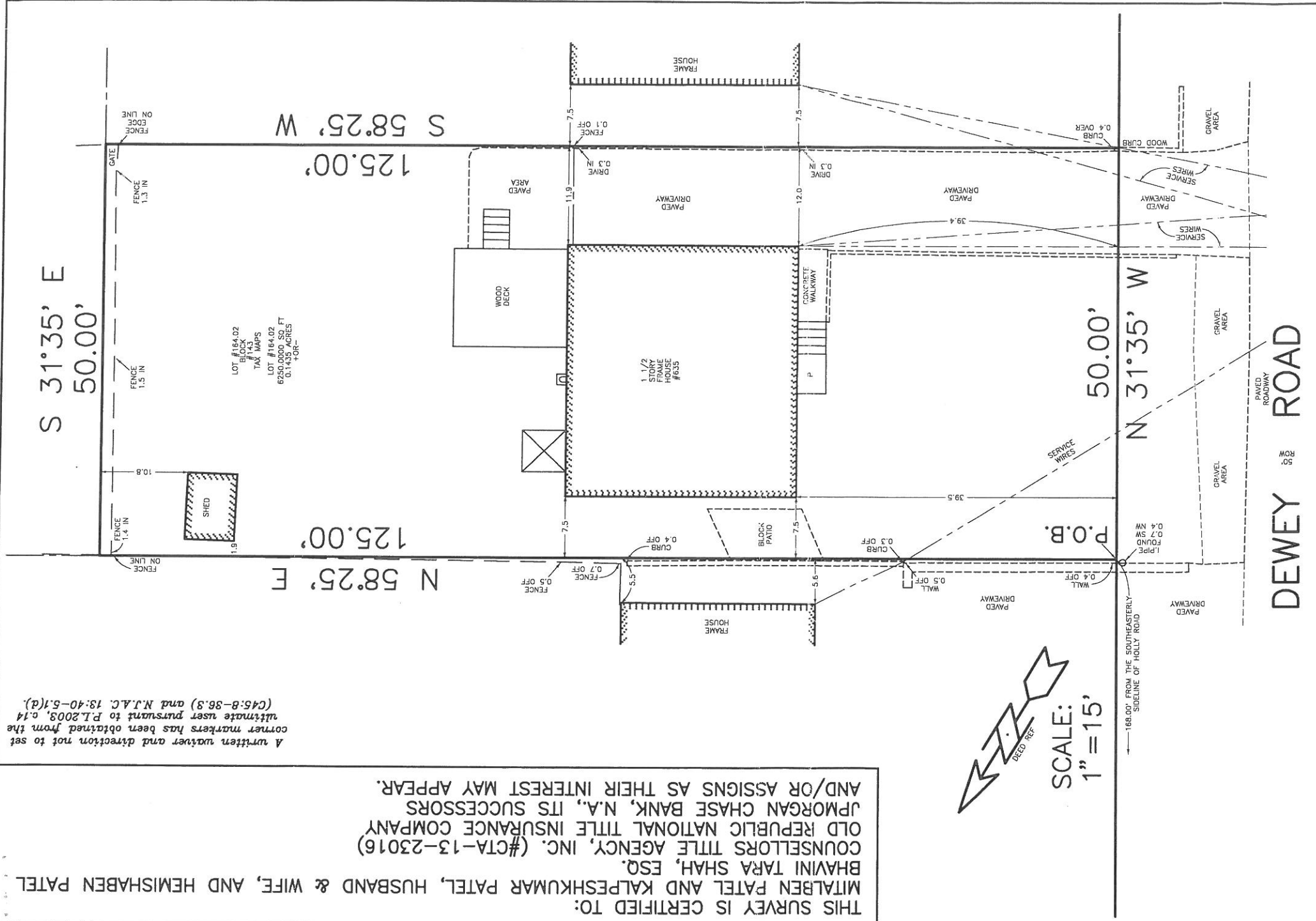
The following proof of satisfying the notice requirements must be filed with the Secretary of the appropriate Board at least five (5) days prior to the date fixed for the hearing:

- 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.

A written waiver and direction not to set corner markers has been obtained from the ultimate user pursuant to P.L.2008, c.14 (C45-8-86.8) and N.J.A.C. 13:40-5.1(d).

THIS SURVEY IS CERTIFIED TO:
 MITALBEN PATEL AND KALPESHKUMAR PATEL, HUSBAND & WIFE, AND HEMISHABEN PATEL
 BHAVINI TARA SHAH, ESQ.
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
 JPMORGAN CHASE BANK, N.A., ITS SUCCESSORS
 AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR.



LOT #164.02
 BLOCK #143
 TAX MAPS
 LOT #164.02
 6250.0000 SQ. FT
 0.14 ACRES
 FOR

SCALE:
 1" = 15'



DEWEY ROAD
 50' ROW
 PAVED ROADWAY

REPRODUCTIONS OF THIS SURVEY ARE NOT VALID UNLESS SEALED WITH THE SURVEYOR'S SEAL. THIS SURVEY IS PERFORMED FOR THE HEREIN LISTED PURCHASER OF THE PROPERTY FOR THE PURPOSE OF PURCHASING AND/OR FINANCING THE PROPERTY. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED SURVEYOR FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE USE OF THIS SURVEY OTHER THAN FOR THE ABOVE LISTED PURPOSE OR ITS USE BY OTHER PARTIES THAN THE ABOVE LISTED PURCHASER.