



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 × 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:

194 (North Brunswick) 4 (North Brunswick) I-2 (North Brunswick)
Block 349.01 (New Brunswick) Lot(s) 4.01 (New Brunswick) Zone I-1 (New Brunswick)
Property Location 360 Georges Road & 120 Georges Road
Size of Property 3.50 Acres +/-

Present Use: ☐ Residential ☒ Non-Residential ☐ Vacant
Proposed Use: ☐ Residential ☒ Non-Residential **Specify:** Restaurant / Retail

CONTACTS:

Applicant: ☒ Corporation ☐ Partnership ☐ Individual
☐ Other/Explain

Name: Pioli Properties LLC.

Address: 95 Cedar Lane, Suite 5, Englewood, NJ 07631

Telephone: 732.752.3100 Fax: 732.752.7997

Email: Tarch@bobsmithandassociates.com

Owner (if different from Applicant):

Name: Same

Address:

Telephone: Fax:

Email:

Engineer:

Name: Menlo Engineering Associates, Inc. - William Lane

Address: 261 Cleveland Ave., Highland Park, NJ 08904

Telephone: 732.846.8585 Fax: 732.846.9439

Email: BLane@Menloeng.com

Attorney:

Name: Bob Smith & Associates - Bob Smith, Esq.

Address: 216 Stelton Rd., Suite B-1, Piscataway, NJ 08854

Telephone: 732.752.3100 Fax: 732.752.7997

Email: Tarch@bobsmithandassociates.com



PART II

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

Applicant was previously granted Use Variance approval by resolution dated March 24, 2011 and was granted Site Plan, Waivers, and Bulk Variance approval by resolution dated May 17, 2012 to allow for retail, restaurant, and food sales at the 360 Georges Road building. This application proposes no change to the building structure. Applicant wishes to re-allocate the internal space to expand the restaurant use from the previously granted 3,170 sq. ft. to a proposed 4,220 sq. ft, while decreasing the retail use from the previously granted 10,469 sq. ft. to a proposed 9,419 sq. ft. (along with a 485 sq. ft. re-allocation of mezzanine seating from restaurant to retail use) Due to the re-allocation of space, the parking calculation changes, resulting in a net total of 3 additional required parking spaces from the previously required 189 to 192. Applicant proposes the same 140 parking spaces which were previously approved in May of 2012.

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): (Existing, previously approved)

- ☒ 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 (Waiver Requested)
☐ 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:

The proposed re-allocation of interior space does not change any structure on the overall site.

No new structures are proposed. The only change resulting from the re-allocation is the parking calculation.

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:
§205- 100 192 Parking Spaces

Proposed Deviation:
140 Parking Spaces (existing, previously approved)



§205- Attachment 6:2	Sideyard (one) 40 ft.	zero ft. (existing, previously approved)
§205- Attachment 6:2	Sideyard (both) 80 ft.	35.8 ft. +/- (existing, previously approved)
§205- Attachment 6:2	Min. Lot Depth (overall site) 350 ft.	301 ft. (existing, previously approved)
§205- Attachment 6:2	Min. Setback Front (overall site) 60 ft.	9.2 ft. (existing, previously approved)
§205- 75	Min. Buffer 25 ft.	10 ft. (existing, previously approved)
§205- 74	Residential/Restaurant/Retail not permitted	Residential/Restaurant/Retail (existing, previously approved)
§205- 96E	No parking in front yard	Parking in front yard (existing, previously approved)
§205- 97B	No more than 2 driveways	3 driveway (existing, previously approved)
§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 triangular shape of the property does not lend itself to additional parking. The existing parking



makes the best and most practical/efficient use of space on a unique and limited parcel.

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 existing parking spaces more than adequately accomodate the parking for the site. The propsed re-allocation of interior space alters the parking calculation minimally, by only 3 spaces, so the reasoning supporting the prior approval of
D Variance(s): of 140 spaces is wholly applicable to the current application.

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: The proposed re-allocation of interior space does not alter any of the previously approved variances with the sole exception of a minor change in the parking calculation. The existing 140 parking spaces is more than adequate to accomodate site traffic.

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good: The proposed re-allocation of space between two previously granted non-conforming uses only amounts to aprox. 1,050 sq. ft. The existing 140 parking spaces is more than adequate to accomodate site traffic.

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 proposed re-allocation of space between the two previously approved uses is very minor, only amounting to approx. 1,050 sq. ft. The reasoning supporting the prior granting of approval is still wholly applicable.



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:

Use Variance w/ Bulk Variances - March 24, 2011 - Approved

Site Plan w/ Bulk Variances - April 19, 2012 - Approved

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	Full Sets of Plans (2 sheets) "Pioli Property Block 194, Lot 4 (North Brunswick) and Block 349.01, Lot 4.01 (New Brunswick)"
10	Reduced Sets of Plans (2 sheets) "Pioli Property Block 194, Lot 4 (North Brunswick) and Block 349.01, Lot 4.01 (New Brunswick)"
1	CD containing digital copies of plans and application documents



DISCLOSURE OF OWNERS OF CORPORATION OR PARTNERSHIP:

A corporation or partnership applying to a Board 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 stockholders or individual partners owning at least 10% of its stocks of any class or at least 10% of the interest in the partnership, as the case may be, as required by N.J.S.A. 40:55D-48.1. Applications which do not comply with N.J.S.A. 40:55D-48.1 et seq. will be deemed incomplete. SEE SEPARATE OWNERSHIP DISCLOSURE SHEET

Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____

Applicant's Signature: _____ **Date:** _____

Applicant

CERTIFICATE OF OWNERSHIP OF APPLICANT
AS REQUIRED BY NEW JERSEY LAW
(P.L. 1977, CHAPTER 336)

Listed below are names and addresses of all owners of 10% or more of the stock/interest
in the undersigned applicant corporation/partnership:

<u>NAME</u>	<u>ADDRESS</u>
1. <u>MI Y. LIM</u> <u>/PIOLI PROPERTIES LLC</u>	<u>322 COMMERCIAL AVE. PALISADES PARK, NJ 07650</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

*Where corporations/partnerships own 10% or more of the stock/interest in the
undersigned or in another corporation/partnership so reported, this requirement shall be
followed until the names and addresses of the non-corporate stockholders/individual
partners exceeding the 10% ownership criterion have been listed.

X 
Signature of Officer/Partner

MAY 21 2021
Date

MI Y LIM / PIOLI PROPERTIES LLC
Name of Applicant Corporation/Partnership



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: 9/14/2021

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: [Signature] Date: 9/14/2021

APPLICANT'S CERTIFICATION:

I, Mi Young Lim, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 237 Wilson Dr. Cresskill in the County of Bergen 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]
SIGNATURE

Sworn to and subscribed before me this 14 day of September, 2021

[Signature]
NOTARY PUBLIC
DAVID HASCUP
NOTARY PUBLIC
State of New Jersey
My Commission Expires
January 19, 2022

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, Mi Young Lim, of full age, being duly sworn according to law and upon my oath depose that: I reside at 237 Wilson Dr. Cresskill in the County of Bergen and State of NJ, 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) 194 and Lot(s) 4,
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 14 day of
September, 2021


NOTARY PUBLIC

DAVID HASCUP
NOTARY PUBLIC
State of New Jersey
My Commission Expires
January 19, 2022

Property Owner's Signature

Andrei Alexeev, Zoning Officer

Municipal Complex

710 Hermann Rd

North Brunswick, NJ 08902

RE:

Dear Mr. Alexeev:

Please be advised that Bob Smith & Associates is authorized by MI Y LIM / P1011 PROPERTIES LLC as owner of Block 174, Lot(s) 4 to act as our agent for the purpose of presenting an application to the Township of North Brunswick Land Use Board for site plan, subdivision and/or any required variance Approvals

Very truly yours,

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Pioli Properties LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only **one** of the following seven boxes:

- ☐ Individual/sole proprietor or single-member LLC
☐ C Corporation
☐ S Corporation
☐ Partnership
☐ Trust/estate
☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) **C**
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)

322 Commercial Ave Suite 201

6 City, state, and ZIP code

Palisades Park, NJ 07650

Requester's name and address (optional)

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

			-			-				
--	--	--	---	--	--	---	--	--	--	--

or

Employer identification number

5	1	-	0	5	9	8	1	1	3
---	---	---	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶

Date ▶ **5/21/2021**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



TAX AND ASSESSEMENT PAYMENT REPORT

APPLICATION # _____

RECEIVED _____

Under the provisions of N.J.S.A. 40:44D-39e and N.J.S.A. 40:44D-65h, an applicant for development of land must submit proof that no taxes or assessments for local improvements are due or delinquent on the property stated below.

The Applicant shall complete Section I and submit 3 copies of this form with the application for development. The forms will be forwarded to the Tax Collector for verification that no delinquent taxes or assessments are due.

Developers are cautioned that additional assessments may be levied where a structure is present.

SECTION I (to be completed by the Applicant/Owner)

I, Tim Arch, Esq., ^{with offices} reside at 216 B-1 Stetson Rd.
Piscataway NJ 08854, and I am making an application to the Planning
Board/Zoning Board of Adjustment for the development of the property located at
360 Georges Rd + 120 Georges Rd, Block(s) 194 Lot(s) 4,
in the 1-2 Zoning District, whose owner of record is Pioli Properties LLC,
residing at 95 Cedar Ln. Suite 5, Englewood NJ 07631.

This tract was formerly subdivided on _____ (Original Block(s) _____,
Lot(s) _____). I acquired interest in this property on _____.

I request for the Tax Collector to determine whether there are any delinquent and/or assessments due.

Applicant's Signature: [Signature] **TIMOTHY M. ARCH**
ATTORNEY AT LAW
OF THE STATE OF NEW JERSEY Date: 9/14/21

SECTION II (to be completed by the Tax Collector)

I find that: ☐ All taxes due have been paid
☐ All assessments due have been paid
☐ The following are delinquent and past due:

Tax Collector's Signature: _____

Date: _____