



<b>For Office Use Only</b>	
Date Filed: _____	Appl. No.: _____
Appl. Fee: \$ _____	Escrow Deposit: \$ _____
<b>Check One:</b>	
<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 224 Lot(s) 2, 5, 6 & 87 Zone C - 4  
Property Location 2700 US 130  
Size of Property 21.78 acres

**Present Use:**       Residential  Non-Residential  Vacant  
**Proposed Use:**    Residential  Non-Residential    **Specify:** warehouse

### **CONTACTS:**

**Applicant:**       Corporation  Partnership  Individual  
                          Other/Explain LLC

Name: DM Investments of North Brunswick, LLC

Address: 1260 Stelton Road, Piscataway, NJ 08854

Telephone: 732-985-1900 Fax: 732-985-5588

Email: smartin@edgewoodproperties.com

### **Owner (if different from Applicant):**

Name: same as applicant

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### **Engineer:**

Name: Bradford Aller, PE - EP Design Services

Address: 2901 Hamilton Blvd., South Plainfield, NJ 07080

Telephone: 908-205-0443 Fax: 908-755-3272

Email: baller@epdesignservices.com

### **Attorney:**

Name: Douglas Wolfson, Esq. - Weingarten Law

Address: 1260 Stelton Road, Piscataway, NJ 08854

Telephone: 732-985-1900 Fax: 732-985-5588

Email: dwolfson@weingartenlaw.com





**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:

\*see Rider #3 - Variances and Waivers

**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- \_\_\_\_\_ \*see Rider #3 - Variances and Waivers

Proposed Deviation:

\_\_\_\_\_



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

**Identify Requested Design Waivers:**

Ordinance Section:	Requirement:	Proposed Deviation:
§205-	* see Rider #3 - Variances and Waivers	_____
§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:



Testimony to be provided by professional planner at Planning Board hearing

---

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: Testimony to be provided by professional planner at Planning Board hearing

---

---

---

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: \_\_\_\_\_

Testimony to be provided by professional planner at Planning Board hearing

---

---

---



**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:

Conditional use approval and preliminary site plan approval was approved by the Planning Board July 13, 2010. (No file number listed on the Resolution)

**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): \_\_\_\_\_

Block 224, Lot 8 North Brunswick - DM Investments of Route 130, LLC  
Block 27, Lot 4 South Brunswick - DM Investments of North Brunswick, LLC

**LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:**

Quantity:	Description of Item:
_____	<u>* see attached cover letter</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:** Ronald Aulenbach **Date:** 3/16/2021  
Ronald Aulenbach, Director of Planning

**Owner's Signature (if different from Applicant):** Jack Morris **Date:** 3/16/2021  
Jack Morris, Managing Member



**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: *JM* Date: 3/16/2021  
Jack Morris, Managing Member

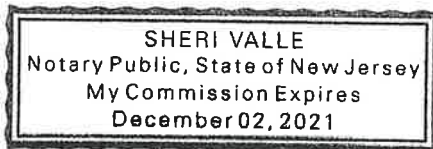
**APPLICANT'S CERTIFICATION:**

I, Ronald Aulenbach, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 1260 Stelton Road, Piscataway 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.

*Ronald Aulenbach*  
SIGNATURE

Sworn to and subscribed before me this 16 day of March, 20 21

*Sheri Valle*  
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, Jack Morris, Managing Member, of full age, being duly sworn according to law and upon my oath depose that: I reside at 1260 Stelton Road, Piscataway 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) 224 and Lot(s) 2, 5, 6 & 87,

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 16<sup>th</sup> day of  
March, 2021

  
NOTARY PUBLIC

SHERI VALLE  
Notary Public, State of New Jersey  
My Commission Expires  
December 02, 2021