



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

Tel.: (732) 247-0922 x440

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Website: WWW.NORTHBRUNSWICKNJ.GOV

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Milan M. Desai
1458 Huron Road
North Brunswick, NJ 08902

FROM: Andrei Alexeev, Zoning Officer

DATE: December 27, 2021

SUBJECT: Block: 25 Lot(s): 6.02
Street Address: 1458 Huron Road
Applicant: Milan M. Desai

Dear Mr. Desai:

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

The following application materials were reviewed:

- 1-sheet drawing of the shed location depicted on the property survey dated July 2, 2002, prepared by Dominic J. Venditto, III.

Administrative

1. The applicant proposes to legitimize an existing 14 ft. by 22 ft. storage shed on a single-family lot.
2. The subject property is a single-family dwelling located in the R-2 Residential Zoning District, and a single-family dwelling is a permitted use in the zone (Figures 1 & 2 below).



Figure 1: Subject property (3D view).



Figure 2: Subject property (Street view).

3. Research of the property records revealed that the dwelling was built in or about 1985. In 2004 a zoning permit was issued for the 8 ft. by 14 ft. shed which is located on the southeastern side of the property next to the dwelling. In 2008 a bulk variance was approved to construct a roofed front porch in the required front yard setback.

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/Existing	Variance	Ordinance
Side Yard Setback, Shed	5 ft.	3 ft.	V	§ 205-26.1 (C)
Rear Yard Setback, Shed	5 ft.	4 ft.		
Size Limits, Shed	240 sq. ft.	308 sq. ft.	V	§ 205-45.1 (B)

V = Variance

Technical

1. Variances:

- a. **Side Yard Setback, Shed** – The applicant proposes to legitimize an existing storage shed which is located 3 ft. from the side property line, whereas a minimum of 5 ft. from the side property line is required (§ 205-26.1 (C)). The Applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- b. **Rear Yard Setback, Shed** – The applicant proposes to legitimize an existing storage shed which is located 4 ft. from the rear property line, whereas a minimum of 5 ft. from the rear property line is required (§ 205-26.1 (C)). The Applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- c. **Size Limits, Shed** – The applicant proposes to legitimize an existing 14 ft. by 22 ft. storage shed on a single-family lot, whereas in residential zones and properties developed for residential uses no accessory building with the exception of detached garages shall exceed 240 sq. ft. in the area (§ 205-45.1 (B)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

2. Miscellaneous:

- a. The applicant should provide the height of the subject shed. In residential zones and properties developed for residential uses no accessory building with the exception of detached garages shall exceed 12 ft in height (§ 205-45.1 (B)).

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:

- 15 copies of dimensional drawings/pictures of the subject shed
- 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

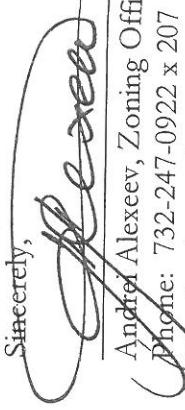
Technical Review Escrow Deposit:

C Variance (Residential): _____ \$350.00

TOTAL: \$350.00

Please remit two separate checks in the above total amounts. Upon 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,



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.



PART I

SUBJECT PROPERTY:

Block 25 Lot(s) 6-2 Zone _____
Property Location 1458 HURON ROAD NORTH BRUNSWICK NJ 08902
Size of Property _____

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

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain _____

Name: MILAN, M. DESAI
Address: 1458 Huron Rd, North Brunswick, NJ 08902
Telephone: 732-977-8416 Fax: _____
Email: Milan.Desai 61@yahoo.com

Owner (if different from Applicant):

Name: N/A
Address: _____
Telephone: _____ Fax: _____
Email: _____

Engineer:

Name: N/A
Address: _____
Telephone: _____ Fax: _____
Email: _____

Attorney:

Name: N/A
Address: _____
Telephone: _____ Fax: _____
Email: _____



PART II

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

Purpose to build a new Storage Shed through the use of Contractor. The Contractor did NOT file the Pooler Permit and felt to maintain the Pooler set back (5ft). So I am requesting a approval of the shed in its current location and should agree to remove the secondary shed structure on property, in and effort to consolidate storage facilities on the property, Removal of old shed see: the Permit # 2004-1013 (Approved) 12/03/2004

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): N/A.

- 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: WILL SUBMIT

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:

n/a

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-_____	5' OFF SET	North Side 3' off
		East side 4' off
		Property line



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: Previously when we

built the other Shed in 2004 the Off set was 2 FT, But since

the Contractor did not get the proper permit for the shed

we are not aware of the 5 FT Off set Rules,

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: Strictly Location Issue as Structure on other

Property, No Encroachment to other adjoining

Property (except Set Back)

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:



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 *n/a*

If no, how will water service be supplied?

Is public sewer available?

YES NO *n/a*

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:

On slab Construction Concrete
2x4 walls 1/2" cdx sheathing



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: Julian M. Deseri

12/14/2021 ^{NOVEMBER}
Date: 12/14/2021

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.

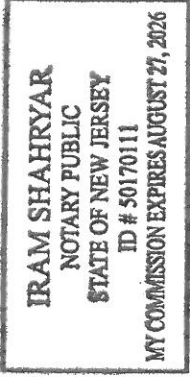
Owner's Signature: Milam M. Desai Date: 12/14/2021
12/14/2021

APPLICANT'S CERTIFICATION:

I, IRAM M. DESAI, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 1458 HURON ROAD, N.O. BRUNSWICK in the County of W.S.A. MIDDLESEX 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 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.

Milam M. Desai
SIGNATURE

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



Iram Shahryar
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, MILAM M. DESAI, of full age, being duly sworn according to law and upon my oath depose that: I reside at 1458 HURON ROAD, N.O. 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



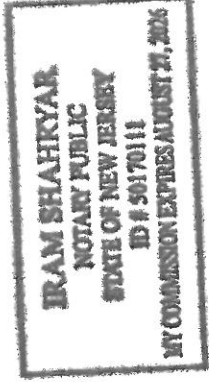
situated, lying, and being in the municipality aforesaid, and known and designated as Block(s) 25 and Lot(s) 6.2,

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.

Julien M. Desautels
SIGNATURE

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

Iram Shahkhyar
NOTARY PUBLIC



Block 25
Lot 6.2

158 Huron Rd North Brunswick NJ

RS 4' to fence

Rear 3'-6" Hght To Peak 11'

wall Hgt 8'

ceiling 2x6 Ceiling joist @ Rafter 16' on center

2x4 16 @ center 2x4 @ side plate

walls 1/2" CDX Plywood Vapor Barrier ~~Wynite Siding~~

Roof 1/2" CDX Plywood 15/16 felt ~~Asph/Flt Shingles~~

Hurricane ties Rafter to top plate

On Slab concrete 3500 psi 6" Ground Base 6 mill Vapor barrier

HURON ROAD

ROAD

-50' WIDE-

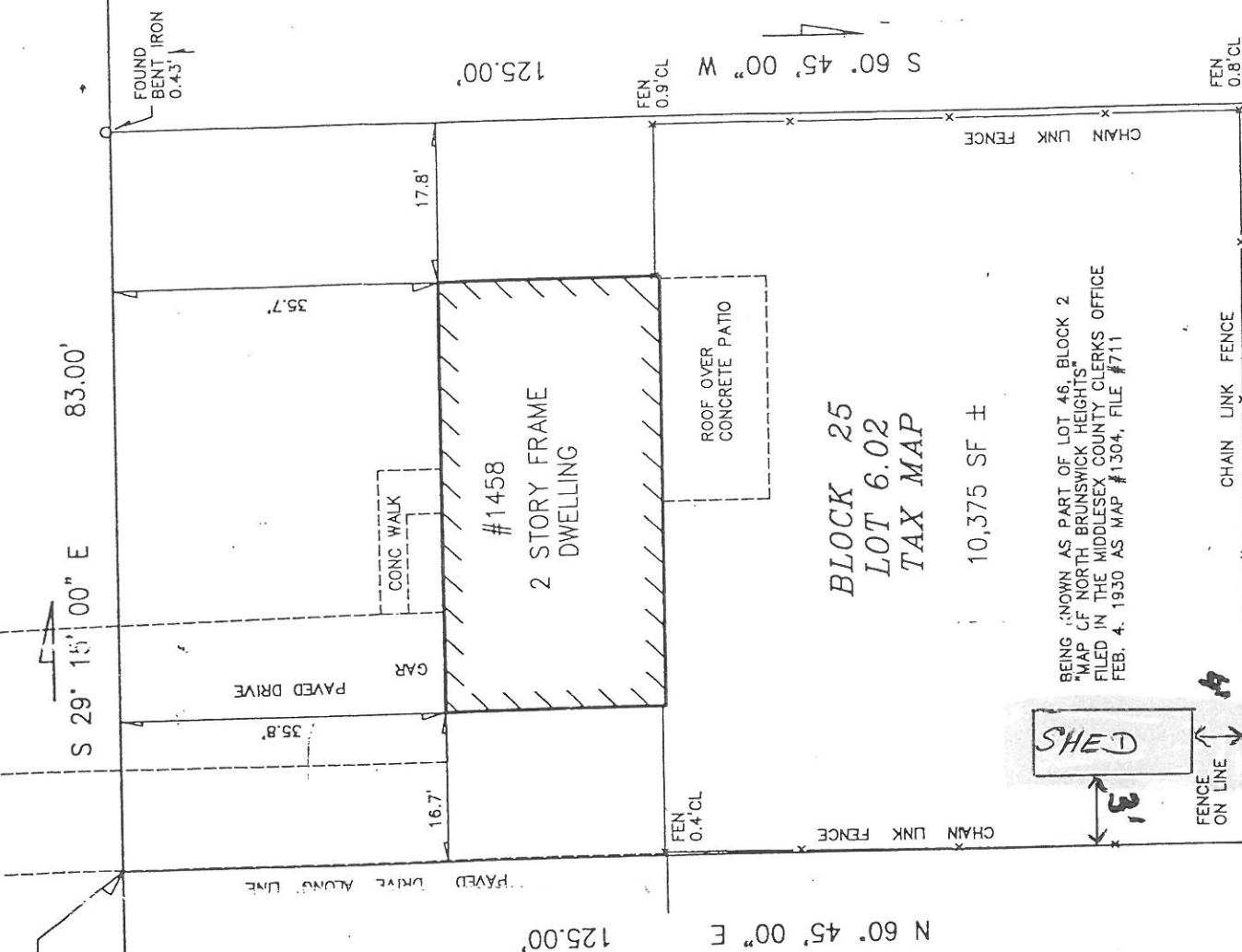
-FORMERLY FIRST AVENUE-

P.O.B.
DB 3367
PG.293

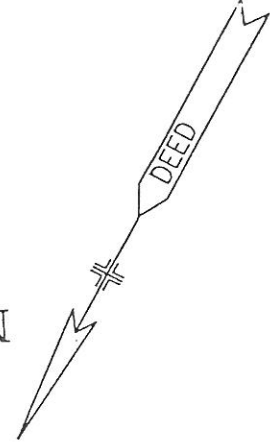
S 29° 15' 00" E 83.00'

492.00'

NJSH ROUTE #27 (LINCOLN HIGHWAY)
-66' WIDE-



- NOTES:
- 1) THIS SURVEY IS A REPRESENTATION OF CONDITIONS EXISTING ON THE PROPERTY EXCEPT SUCH EASEMENTS AND ENCROACHMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LAND OR NOT VISIBLE ON THE SURFACE OF THE LAND OR IN DOCUMENTATION SUPPLIED AT THE TIME OF THE SURVEY.
 - 2) THIS SURVEY IS MADE ONLY TO THE NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF DELINEATED PROPERTY BY NAMED PURCHASER.
 - 3) NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE SURVEYOR FOR USE OF SURVEY FOR ANY PURPOSE INCLUDING BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, CONSTRUCTION, OR ANY OTHER PERSON NOT NAMED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.
 - 4) PROPERTY CORNERS NOT SET IN ACCORDANCE WITH OWNERS REQUEST.



CERTIFIED TO:

MILAN M. DESAI AND PRITI DESA, HIS WIFE;
FRANCIS J. TIEDEMANN, ESQ.;
R.C. SEARCH CO., INC. (600012);
FIDELITY NATIONAL TITLE INSURANCE COMPANY

SURVEY OF
1458 HURON ROAD
TOWNSHIP OF NORTH BRUNSWICK
MIDDLESEX COUNTY, NJ



