



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: James E. Stahl, Esq.
Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl
A Professional Corporation of Counsellors at Law
2875 Route 1
North Brunswick, New Jersey 08902

FROM: Andrei Alexeev, Zoning Officer

DATE: May 20, 2022

SUBJECT: Block: 137 Lots: 2
Street Address: 1224 Livingston Avenue
Applicant: Iglesia Pentecostal De Jesucristo Revelacion Divina, Inc.

Dear Mr. Stahl:

I have reviewed the application for Use Variances at the above-referenced address, and I am issuing the following report.

The following application materials were reviewed:

- 1-sheet Plan of Survey, prepared by Robert M. Horvath, dated 3/16/2022.

Administrative

1. The applicant proposes to convert an existing one-story office building into a place of worship, and proposes no associated site improvements.
2. The property consists of approximately 9,226 sq. ft. of lot area, and is located in the R-3 Residential Zoning District. Churches and places of worship are conditional uses in the zone.
3. Research of the property records revealed that in 1987 the property received a use variance and site plan with bulk variances approval from the Zoning Board of Adjustment to convert

an existing single-family dwelling into an office building, and construct a parking lot for 5 vehicles and other associated site improvements. Subsequently, in 1987 a permit was issued to construct a 20 ft. by 20 ft. building addition, additional parking spaces and other associated site improvements. However, it appears that only the building addition was constructed, and the parking lot remains to be a 5-vehicle parking lot as per the original site plan approval. In 2007, the site received a permit to construct a V-shaped freestanding sign in front of the building.

4. The subject premises have a frontage on Livingston Avenue and are adjacent to office and residential uses (Figures 1 & 2).



Figure 1: Subject property (Satellite view).



Figure 2: Subject property (Street view).

5. Variances regarding the proposed development are summarized in the following table(s):

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

Conditional uses	Conditional use requirements	Proposed conditions	Variance	Ordinance
Churches and places of worship	A. Lot area - 60,000 sq. ft.; lot width - 300 ft.	A. Lot area – 9,226 sq. ft.; lot width – approx. 58 ft.	V (pursuant to 40:55D-70(d)(3))	§§205-51 (D)(2), 205-113
	B. Compliance with R-3 Zone requirements.	B. Noncompliance with R-3 Zone requirements to remain.		
	C. Driveway side yard setback - 10 ft.	C. Driveway side yard setback – approx. 4 ft.		
	D. Adequate buffer areas and planting and/or fencing.	D. Noncompliance with the buffering requirements to remain.		

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

Description	Min. Required	Existing/Proposed	Variance	Ordinance
Off-Street Parking, Number of Spaces	Pursuant to §205-100(B)(13) or (14)	5	V	§205-100 (B)

V = Variance

Technical

1. **Site Plan:** Since the proposed conditional use does not comply with all of the conditions imposed by §205-113, jurisdiction over such use lies with the Zoning Board of Adjustment. Therefore, site plan approval from the North Brunswick Zoning Board of Adjustment is required (§205-9.1). The applicant proposes no site improvements and requests a site plan waiver, and proposes to accept the previously granted site plan with bulk variances approval for an office building as satisfactory for the proposed use.

2. **Variances:**

a. **Use** - The applicant proposes to convert an existing one-story office building into a place of worship. Churches and places of worship may be permitted as a conditional use in the R-3 Zone provided that they meet the requirements of § 205-113 (§205-51 (D)). The conditions of §205-113 cannot be satisfied by the applicant, and, therefore, a use variance pursuant to 40:55D-70(d)(3) is required.

The applicant should justify this variance by presenting testimony sufficient to satisfy the Board that in the context of the total proposed development the subject site continues to be an appropriate site for the conditional use notwithstanding the deviations from conditions imposed by the ordinance, and the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems, and the requested variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance as a result of the deviations from the zone requirements.

- b. **Off-Street Parking, Number of Spaces** - The applicant proposes to maintain a previously approved 5-vehicle parking lot, whereas churches and similar places of public assembly not having fixed seating facilities shall provide 1 parking space for every 4 persons who may legally be admitted therein at one time under the state fire prevention laws (§ 205-100 (B)(13)), or churches and similar places of public assembly having fixed seating facilities shall provide one parking space for every four seats (§ 205-100 (B)(13)). The applicant shall provide parking calculations applicable to the proposed use, and should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.

3. **Miscellaneous:**

- a. With respect to the existing non-conforming conditions for which variances were previously granted, the applicant should provide testimony sufficient to satisfy the Board that the previously granted bulk variances are not contraindicated by the proposed use.

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

Completeness

1. **Checklist:**

The following **Submission Waiver(s)** from the checklist entitled “Bifurcated D Variance Checklist” have been specifically requested by the applicant:

None

The application is administratively **deemed incomplete** for the following reason(s):

- a. The following items from the checklist entitled “Bifurcated D Variance Checklist” have not been satisfied and/or submitted, and no waiver is requested:

Item 5: Information pertaining directly to on-site parking.

Item 8: Disclosure of ownership, and Tax and Assessment Payment Report form.

Item 9: Application fees and escrow deposit.

Item 12: Architectural sketches of proposed improvements.

Item 47: The location and design of any off-street parking areas, showing size and location of bays, aisles and barriers.

Item 51: Traffic impact report.

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.

A. Land Use Application Fees:

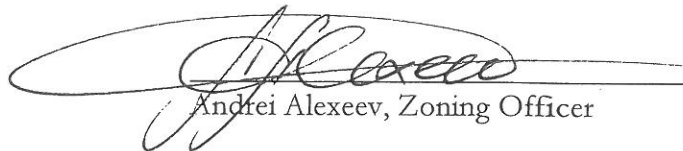
Site Plan Waiver Request:	\$200.00
Use Variance:	\$750.00
C Variance (x1):	\$200.00
Zoning Report:	<u>\$200.00</u>
TOTAL:	\$1,350.00

B. Technical Review Escrow Deposit:

Site Plan Waiver Request:	\$500.00
Use Variance:	\$2,000.00
C Variance (x1):	<u>\$300.00</u>
TOTAL:	\$2,800.00

Note: Please remit two separate checks in the above total amounts along with a W-9 form. Upon receipt and review, 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, at 732-247-0922, extension 440.

Sincerely,


Andrei Alexeev, Zoning Officer

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 × 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 137 Lot(s) 2 Zone R-3 Single-Family Residential
Property Location 1224 Livingston Avenue, North Brunswick, NJ 08902
Size of Property 8,679.23 square feet (Irregular - 59.46' x 165.95' x 51.82' x 168.71)

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

CONTACTS:

Applicant: Non-Profit Corporation Partnership Individual
 Other/Explain _____
Name: Iglesia Pentecostal De Jesucristo Revelacion Divina, Inc.
Address: c/o Alejandro Valle, P.O. Box 5282, New Brunswick, NJ 08903
Telephone: 848-444-8998 Fax: _____
Email: _____

Owner (if different from Applicant):

Name: Tommatt Properties, LLC
Address: 1224 Livingston Avenue, North Brunswick, NJ 08902
Telephone: _____ Fax: _____
Email: _____

Engineer:

Name: _____
Address: _____
Telephone: _____ Fax: _____
Email: _____

Attorney:

Name: James E. Stahl, Esq.
Address: Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl, P.C., 2875 U.S. Highway 1, North Brunswick, NJ 08902
Telephone: 732-422-1000 ext. 222 Fax: 732-422-1016
Email: jstahl@borrus.com with a copy to dbelliveau@borrus.com



PART II

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

Use existing 1,313.41 sq. ft., one-story frame dwelling located on Block 137, Lot 2 as a church/
place of worship. Churches and places of worship are a conditional use in the R-3 Residential
District.

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:
No site improvements proposed.

Is the application proposed to be bifurcated?

YES NO

If bifurcated, identify the nature of subsequent development approvals to be sought:

Identify Requested Variances:

See attached Rider.

Ordinance Section: Requirement:

Proposed Deviation:

§205- _____



§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: Use the existing 1,313.41 sq. ft., one-story frame dwelling located on Block 137, Lot 2 as a



church / place of worship. Churches and places of worship are a conditional use in the R-3 Residential District. The proposed project presents an inherent and beneficial use in providing a location for a small community based church.
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 proposed project presents an inherent and beneficial use in providing a location for a small community based church.

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: Use the existing 1,313.41 sq. ft., one-story frame dwelling located on Block 137, Lot 2 as a church / place of worship. Churches and places of worship are a conditional use in the R-3 Residential District. The proposed project presents an inherent and beneficial use in providing a location for a small community based church.

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good: An inherent and beneficial use in providing a location for a small community based church.

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: An inherent and beneficial use in providing a location for a small community based church.



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:
_____	Survey prepared by Brunswick Surveying Inc., dated March 16, 2022
_____	Current Deed and title policy showing proof of no exceptions
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



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: Alexander Valle Date: 4/28/2022

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: Alejandro Valle Date: 4/28/2022

APPLICANT'S CERTIFICATION:

I, Alejandro Valle, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 740 Hermann Road, Apt 109 * in the County of * North Brunswick 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.

Alejandro Valle
SIGNATURE

Sworn to and subscribed before me this 28th day of April, 20 22

Donna L Belliveau
NOTARY PUBLIC

DONNA L. BELLIVEAU
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 5, 2026

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, Alejandro Valle, of full age, being duly sworn according to law and upon my oath depose that: I reside at 740 Hermann Road, Apt 109 * in the County of * North Brunswick 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) 137 and Lot(s) 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.

Alejandro Valle
SIGNATURE

Sworn to and subscribed before me this 28th day of April, 2022

Donna L. Belliveau
NOTARY PUBLIC

DONNA L. BELLIVEAU
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 5, 2026

RIDER

Identify Requested Variances:

Identify requested variances from the requirements of the North Brunswick Township Land Development Ordinance:

<u>Ordinance Section</u>	<u>Requirement</u>	<u>Proposed Deviation</u>
§205.52 - Attachment 6:1 – Table 1 – Min. Lot Requirements – Lot Area (Interior Lot) (square feet)	10,000 sq. ft.	8,679.23 sq. ft. is existing and proposed
§205.113A – Minimum Lot Area and Minimum Width	60,000 sq. ft. 300 sq. ft.	8,679.23 sq. ft. is existing and proposed 59.46 sq. ft. is existing and proposed

ADDENDUM TO VARIANCE APPLICATION

APPLICANT: Iglesia Pentecostal De Jesucristo Revelacion Divina, Inc.

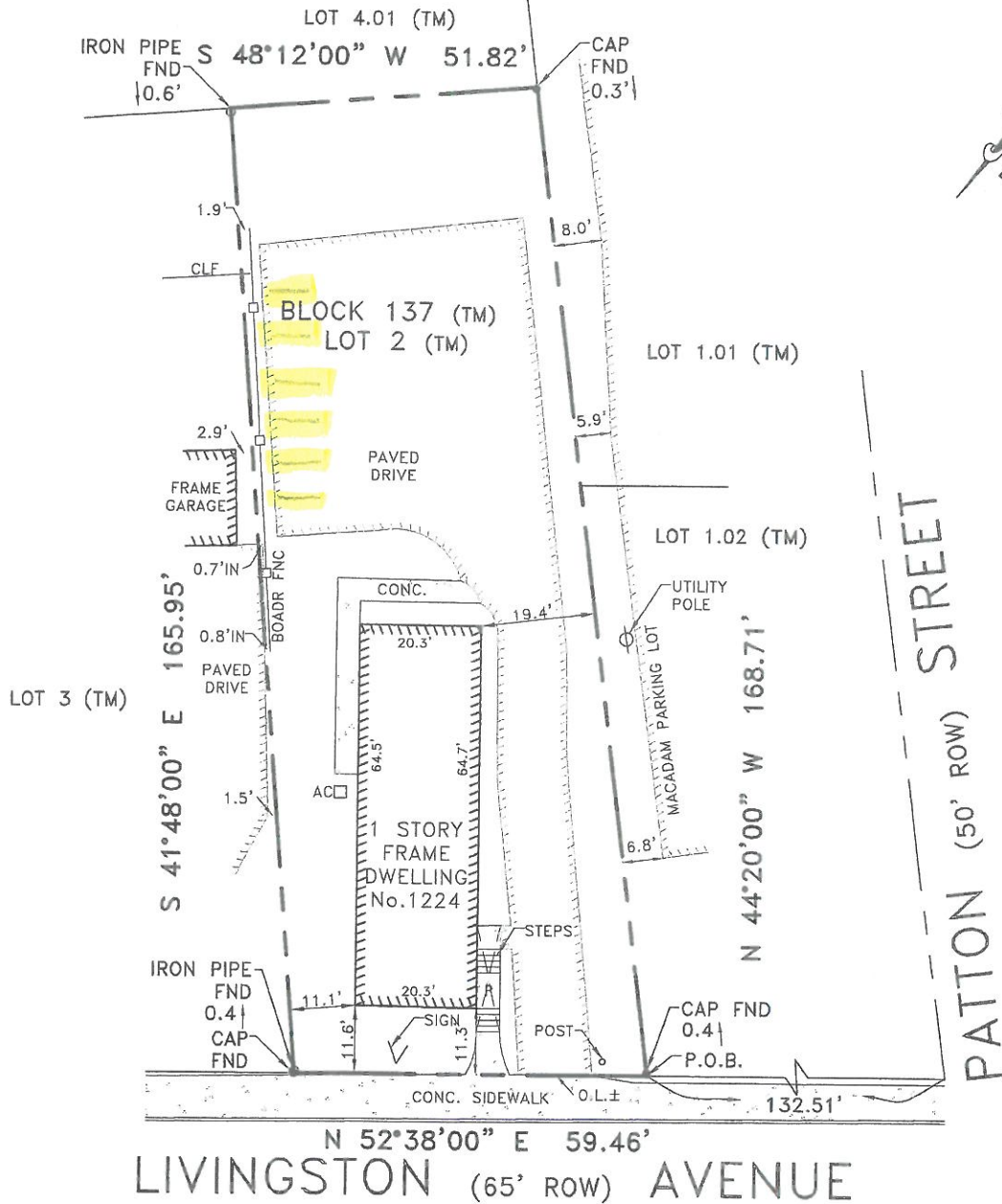
PROPERTY: 1224 Livingston Avenue
Block 137, Lot 2
North Brunswick, New Jersey

PARKING SUMMARY:

The premises, which was previously used as a law office, can accommodate at least 5-8 parking spaces. Additionally, there is on-street parking located approximately two blocks from the subject property. Applicant also plans to use a passenger van/mini-bus, with seating for 10-15 passengers, to pick-up and bring its parishioners to the church.

With the existing parking spaces (5-8) on site and the ability to make multiple trips with the passenger van/mini-bus, the church can accommodate at least 20 parishioners, which is our expected congregation, with any overflow on the street.

REFERENCES: DEED BOOK 5874 PAGE 858; TOWNSHIP OF NORTH BRUNSWICK TAX MAPS.



NOTE: THIS SURVEY COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT; SUBJECT TO THE FINDINGS OF A COMPLETE TITLE REPORT.
 "A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003,c.14 (N.J.S.A.45:8-36:3) and N.J.A.C.13:40-5.1(d)."

B
S
I

Brunswick Surveying Incorporated
 Licensed Professional Land Surveyors
 61 Stelton Road Piscataway, New Jersey 08854
 Phone(732) 752-0100 Fax(732) 752-0101

PLAN OF SURVEY

Inglesia Pentecostal De Jesucrito, Revelación Divina, Inc.
 Township of North Brunswick
 Middlesex County, New Jersey
 Block 137 Lot 2

Certificate of Authorization No. 24GA27940000

Drawn by PV Job No. 38422 Date 03/16/2022

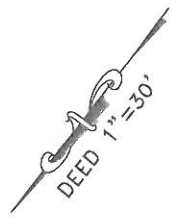
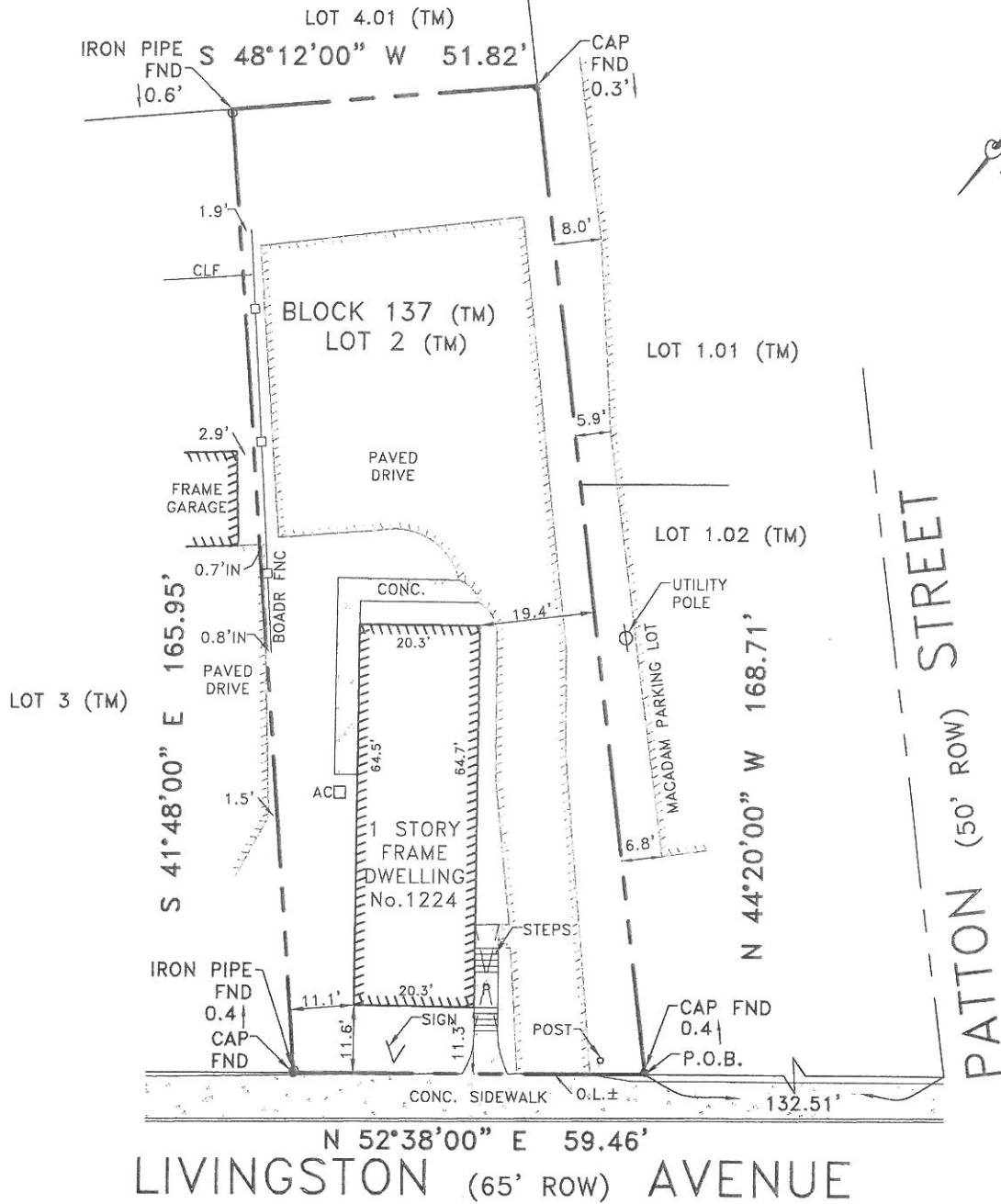
Checked by JAS Sheet No. _____ Scale 1"=30'

I hereby certify this survey to:
 Inglesia Pentecostal De Jesucrito,
 Revelacion Divina, Inc.; Consolidated Title
 Group, LLC; Old Republic National Title
 Insurance Company; Borrus, Goldin,
 Foley, Vignuolo, Hyman & Stahl

ROBERT M. HORVATH
 New Jersey Professional Land Surveyor No. 27476
 JAY A. STUHL, JR.
 New Jersey Professional Land Surveyor No. 36762
 JONATHAN A. STUHL
 New Jersey Professional Land Surveyor No. 43314

TITLE# CTG18655

REFERENCES: DEED BOOK 5874 PAGE 858; TOWNSHIP OF NORTH BRUNSWICK TAX MAPS.



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B
S
I

Brunswick Surveying Incorporated
Licensed Professional Land Surveyors
61 Stelton Road Piscataway, New Jersey 08854
Phone(732) 752-0100 Fax(732) 752-0101

PLAN OF SURVEY

Inglesia Pentecostal De Jesucrito, Revelación Divina, Inc.
Township of North Brunswick
Middlesex County, New Jersey
Block 137 Lot 2

Certificate of Authorization No. 24GA27940000

Drawn by PV Job No. 38422 Date 03/16/2022
Checked by JAS Sheet No. _____ Scale 1"=30'

I hereby certify this survey to:
Inglesia Pentecostal De Jesucrito,
Revelacion Divina, Inc.; Consolidated Title
Group, LLC; Old Republic National Title
Insurance Company; Borrus, Goldin,
Foley, Vignuolo, Hyman & Stahl

ROBERT M. HORVATH
New Jersey Professional Land Surveyor No. 27476
 JAY A. STUHL, JR.
New Jersey Professional Land Surveyor No. 36762
 JONATHAN A. STUHL
New Jersey Professional Land Surveyor No. 43314

RESOLUTION OF FINDINGS AND CONCLUSIONS
BOARD OF ADJUSTMENT
OF
THE TOWNSHIP OF NORTH BRUNSWICK

WHEREAS, NICHOLAS & APPLIGATE, 1224 Livingston Avenue, North Brunswick, New Jersey, has applied to the Zoning Board of Adjustment of the Township of North Brunswick for site plan approval and a variance from Article IV, Section 145.9; Article II, Section 145.4.1; Article XXVI, Section 145.106E; Article XXIV, Section 145.98(4) and Article XIII, Section 145.66B. for the premises located at the above address and known as Block 137, Lot 2 on the Tax Map of the Township of North Brunswick for the purpose of converting an existing residential dwelling to an office building, which premises are in the R-3 Zone; and

WHEREAS, the Board, after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, has made the following factual findings:

1. Applicant seeks to convert an existing residential dwelling in the R-3 residential district to an office building. The premises are located on Livingston Avenue adjacent to applicant's office building on the corner of Patton Drive and Livingston Avenue.

2. The violations of the Zoning Ordinance include the following:

- a. This is not a permitted use in the R-3 Zone.
- b. Lot area requirement is 10,000 square feet and this shows 9,226 square feet.
- c. Lot width required is 90 feet and this shows 59.46 feet.
- d. Front yard setback required is 90 feet and this shows 11.1 feet.
- e. A parking area of four or more vehicles adjoining an adjacent residential property requires a buffer no less than 6 feet in height.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT of the Township of North Brunswick on this 21st day of July, 1987, that approval of the application of NICHOLAS & APPLIGATE

Vitale
Leffowitz
Nicholas
Sachetkar

Nicholas & Applegate

- f. Off-street parking regarding driveways.
- g. Development standards requires an additional 30 foot buffer strip.
3. Applicant intends to use the premises for a real estate office. It is now a single-family dwelling.
4. There are other commercial uses in the area.
5. An architect described the proposed plan and stated that it was designed to keep it in character with the residential uses.
6. Hours of operation would be from 9:00 a.m. to 9:00 p.m.
7. While an adjoining owner commented, she did not object to the application.
8. Applicant relies upon the two plans as set forth in the testimony.

WHEREAS, the Zoning Board of Adjustment has determined that special reasons exist for the relief sought by applicant for the following reasons:

1. Because of the other uses in the neighborhood and the proposed character of this use, applicant is entitled to the variance sought.

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance for the following reasons:

1. This will not impair the intent of the zone plan because of the other uses and character of the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of North Brunswick on this 21st day of July, 1987, that approval of the application of NICHOLAS & APPLGATE

Nicholas & Applegate

be granted subject, however, to the following conditions:

1. Submission of details for the following:
 - a. The proposed new sidewalk apron and depressed cur.
 - b. Proposed pavements, typical section which conforms to the ordinance of two FABC and four inches of bituminous stabilized base.
2. Subject to approval of the following agencies.
 - a. New Jersey Department of Transportation
 - b. County of Middlesex
 - c. Sediment and Erosion Control Conservation District or a letter of waiver.
3. There shall be 6 foot buffering along the side of the adjoining owner Witkowski.
4. The site layout and construction details, shall be in accord with the plan dated June 11, 1987, Titled "Grading Plan Prepared for Block 137 Lot 2", by Neil I. Van Cleef, P.E. & L.S., with the following additions:
 - A. Sidewalk, landscaping and construction details shown in handwritten pen, on the plan titled "Proposed Realty Office - 1224 Realtors by Robert J. Kady, architect, dated April 15, 1987", shall be added.
 - B. The yard walk shall be portland cement concrete in accordance with Township standards.
5. Preparation of a single revised plan, to be filed with the Board and the Department of Engineering and Technical Service, showing compliance with all of the conditions of this approval. Six copies of this plan shall be filed with the Board.

ROLL CALL VOTE

Those in favor: Mrs. Costanza, Messrs. Previte, Lupo, Salvi, Plasari and

Glick.

Opposed: None

Absent : Messrs. Catanese and Ingandela

Memorialized: August 18, 1987

I, EDNA ECKERT, Secretary of the Board of Adjustment of the Township of North Brunswick, do hereby certify that the above is a true and correct copy of a resolution adopted at a Regular meeting of the Board of Adjustment of the Township of North Brunswick held on July 21, 1987

Edna Eckert
EDNA ECKERT, Secretary