



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: Kenneth Tagliareni
695 Myrtle Road
North Brunswick, NJ 08902

FROM: Andrei Alexeev, Zoning Officer

DATE: May 27, 2022

SUBJECT: Block: 143 Lot(s): 227
Street Address: 695 Myrtle Road
Applicant: Kenneth Tagliareni

Dear Mr. Tagliareni:

I have reviewed the application for bulk 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 Jonathan A. Stuhl, dated 5/11/2022.

Administrative

1. The applicant proposes to legitimize an approx. 37.9 ft. by 49 ft. wooden deck, 10 ft. by 14 ft. storage shed, and pool equipment location.
2. The subject property is a single-family dwelling located in the R-3 Residential Zoning District, and a single-family dwelling is a permitted use in the zone (Figures 1 & 2 below).



Figure 1: Subject property (2D view).



Figure 2: Subject property (3D view).

3. Research of the property records revealed that the dwelling was built in or about 1970, and no permits were obtained to construct the rear deck, gazebo with an outdoor kitchen, pool/spa, and two storage sheds.
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, Deck	8 ft.	5.8 ft.	V	§205-4.1 (Table 1, R-3 Zone)
Combined Side Yard Setback, Deck	20 ft.	11.9 ft.	V	§205-4.1 (Table 1, R-3 Zone)
Side Yard Setback, Shed	5 ft.	3.6 ft.	V	§205-26.1 (C)
Side Yard Setback, Pool/Spa Equipment	15 ft.	Approx. 11 ft.	V	§205-94 (H)

V = Variance

- b. The following pre-existing nonconforming conditions remain on the site:

Lot Width	90 ft.	50 ft.	EN	§205-4.1 (Table 1, R-3 Zone)
Side Yard Setback, Dwelling	8 ft.	5.8 ft.	EN	§205-4.1 (Table 1, R-3 Zone)
Combined Side Yard Setback, Dwelling	20 ft.	11.9 ft.	EN	§205-4.1 (Table 1, R-3 Zone)
Side Yard Setback, AC Unit	5 ft.	Approx. 1 ft.	EN	§205-26.1 (C)
Side Yard Setback, Pavers	3 ft.	0 ft.	EN	§205-26.1 (C)
Side Yard Setback, Driveway	3 ft.	Approx. 1 ft.	EN	§ 205-43.2

EN = Existing Nonconformity

Technical

1. Variances:

- a. **Side Yard Setback, Deck** – The applicant proposes to legitimize an existing 37.9 ft. by 49 ft. wooden deck which is located 5.8 ft. from the side property line, whereas an accessory building or structure attached to a principal building shall comply in all respects with yard requirements for the principal building (§205-26.1 (C)), and, therefore, the minimum required side yard setback is 8 ft. from the side property line (§205-4.1 (Table 1, R-3 Zone)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- b. **Combined Side Yard Setback, Deck** – The applicant proposes to legitimize an existing 37.9 ft. by 49 ft. wooden deck which is located 5.8 ft. and 6.1 ft. from the side property lines, whereas an accessory building or structure attached to a principal building shall comply in all respects with yard requirements for the principal building (§205-26.1 (C)), and, therefore, the minimum required combined side yard setback from side property lines is 20 ft. (§205-4.1 (Table 1, R-3 Zone)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- c. **Side Yard Setback, Shed** – The applicant proposes to legitimize an existing 14 ft. by 10 ft. storage shed which is located 3.6 ft. from the side property line, whereas no accessory building or structure shall be located closer than 5 ft. to a rear or side property line (§205-26.1 (C)). The Applicant should justify this variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- d. **Side Yard Setback, Pool/Spa Equipment** - The applicant proposes to legitimize an existing location of pool/spa equipment which is located approximately 11 ft. from the side property line, whereas the pump of a filtration or pumping system shall be located not less than 15 feet from any side or rear property line (§205-94 (H)). 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 testimony regarding the height of the gazebo. In residential zones and properties developed for residential uses, no accessory building with the exception of detached garages shall exceed 12 ft. in height measuring from the mean ground level at the foundation to the top of the roof. (§ 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:

- Original and 14 copies of variance application form
- 15 copies of property survey
- 3 copies of the Tax and Assessment Payment Report
- W-9 form
- Required fees and escrow deposit (see below)
- 15 sets of photos of the property in the location of the subject improvements

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:

Variance Report (Residential):	\$50.00
C Variances (Residential):	<u>\$100.00</u>
TOTAL:	\$150.00

Technical Review Escrow Deposit:

C Variances (Residential):	<u>\$350.00</u>
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.

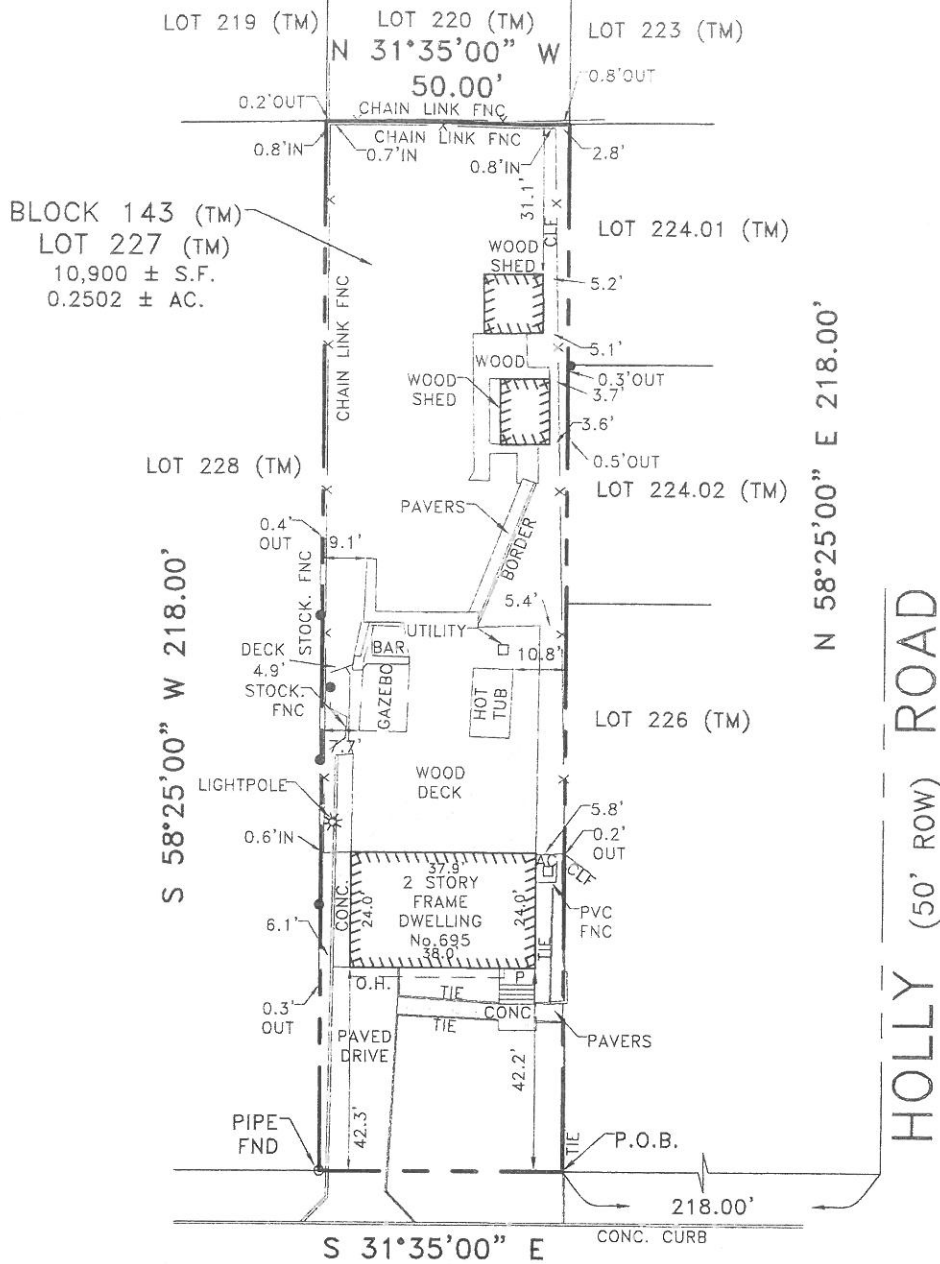
Sincerely,



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

REFERENCES: DEED BOOK 3637 PAGE 291; TOWNSHIP OF NORTH BRUNSWICK TAX MAPS.



MYRTLE (50' ROW) ROAD

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
Kenneth Tagliareni and Katherine Tagliareni
Township of North Brunswick
Middlesex County, New Jersey
Block 143 Lot 227

Certificate of Authorization No. 24GA27940000

Drawn by PV Job No. 68722 Date 05/11/2022

Checked by JAS Sheet No. _____ Scale 1"=40'

I hereby certify this survey to:
Kenneth Tagliareni and Katherine Tagliareni

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



For Office Use Only	
Date Filed: _____	Appl. No.: _____
Appl. Fee: \$ _____	Escrow Deposit: \$ _____
Check One:	
<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 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 143 Lot(s) 227 Zone R-3
Property Location 695 MYRTLE RD NO BRUNS NJ 08902
Size of Property 50 X 218

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

CONTACTS:

Applicant: Corporation Partnership Individual
 Other Explain _____

Name: KENNETH TAGLIARINI
Address: 695 MYRTLE RD NO. BRUNS NJ 08902
Telephone: 732-422-1181 Fax: _____
Email: KTAGLIARINI@gmail.com

Owner (if different from Applicant):

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

Engineer:

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

Attorney:

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

PART II

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

LEGITIMIZE

- ① 37.9 FT X 49 FT WOOD DECK - Ground Level
- ② 10 X 14 FT SHED
- ③ POOL/EQUIPMENT LOCATION

ALL SIDE YARD SETBACK

- ④ VERIFY HEIGHT OF SHEDS

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:

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- <u>4.1</u>	<u>8 FT SETBACK DECK</u>	<u>5.8 FT</u>

§205- 4.1	COMBINED 20 ^{FT} DECK	11.9 FT
§205- 26.1	SIDEYARD SHED 5 FT	3.6 FT
§205- 94	SIDEYARD POOL 15 FT	11 FT
§205-		
§205-		
* §205- 45.1 B	(AZURE HEIGHTS) SHED	
§205-	ACTUAL HEIGHT 10'6"	} from ground
§205-	" " " 11'0" FT	
§205-	912.30 10'6"	
§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:

LITLIZE MAX LAND USE ON 50'x100' LOT

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:

LEGITIMIZE MAX LAND USE ON SOLIDWAX LOT

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:

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 matter:

ZA-02-22-064 PERMITS ISSUED 2/28/22
REQUEST VARIANCE (No. Brnns)

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:

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.

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

Applicant's Signature: Kenneth J. Gauci Date: 7/19/22

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: Kenneth Jagurani Date: 7/19/22

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: Kenneth Tagliacozzo Date: 7/19/22

APPLICANT'S CERTIFICATION:

I, Kenneth Tagliacozzo, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 695 Myrtle Rd North Brunswick NJ 08902 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.

Kenneth Tagliacozzo
SIGNATURE

Sworn to and subscribed before me this 19 day of July, 20 22

[Signature]
NOTARY PUBLIC

ANDREW J. ZASTKO
ID #2324835
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires Feb. 4, 2025

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, _____, of full age, being duly sworn according to law and upon my oath depose that: I reside at _____ in the County of _____ and State of _____, 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) _____ and Lot(s) _____

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 _____ day of
_____, 20_____

NOTARY PUBLIC



