



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

Tel.: (732) 247-0922 x440

Fax: (732) 289-3822

Website: [WWW.NORTHBRUNSWICKNJ.GOV](http://WWW.NORTHBRUNSWICKNJ.GOV)

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**MEMORANDUM**

**TO:** Ryan J. Daughton  
1355 Ute Road  
North Brunswick, NJ 08902

**FROM:** Andrei Alexeev, Zoning Officer

**DATE:** August 4, 2022

**SUBJECT:** Block: 22 Lot(s): 13  
Street Address: 1355 Ute Road  
Applicant: Ryan J. Daughton

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Dear Mr. Daughton:

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

The following application materials were reviewed:

- 1-sheet copy of the property survey with the proposed location of the fence, dated 4/18/2019.

**Administrative**

1. The applicant proposes to replace an existing 4 ft. chain link fence with a 6 ft. privacy fence in the required 35 ft. front yard setback along Charles Avenue.
2. The subject property is a corner lot located at the intersection of Charles Avenue and Ute Road. The property has two front yards.
3. The subject property is a single-family dwelling located in the R-3 Residential Zoning District. Single-family use is a permitted use in the zone (Figures 1 & 2).



Figure 1: Subject property (Street View).

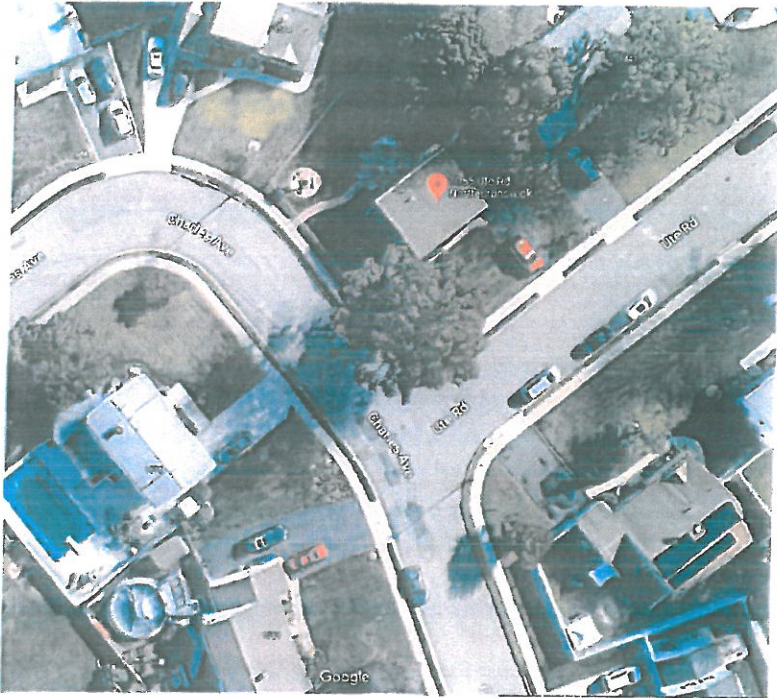


Figure 2: Subject property (Aerial View).

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	Max. Permitted	Proposed	Variance	Ordinance
Fence in Front Yard, Height	4 ft.	6 ft.	V	§ 205-93 (A) (1) (a)
Fence in Front Yard, Type	Open-type	Solid	V	§ 205-93 (A) (1) (a)

V = Variance

Technical

Variances:

1. **Fence in Front Yard, Height** – The applicant proposes to replace an existing 4 ft. chain link fence with a 6 ft. privacy fence in the required 35 ft. front yard setback along Charles Avenue, whereas only fences not exceeding 4 ft. in height above ground level may be permitted in the required front yard (§ 205-93 (A)(1)(a)). The applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.
  
2. **Fence in Front Yard, Type** – The applicant proposes to replace an existing 4 ft. chain link fence with a 6 ft. privacy fence in the required 35 ft. front yard setback along Charles Avenue, whereas only open-type fences that are constructed in such a way that no more than 50% of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence may be permitted in the required front yard (§ 205-93 (A)(1)(a)). The applicant should justify this variance and provide testimony to satisfy the C-1 (“hardship”) and/or C-2 (“benefits v. burdens”) variance criteria.

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:

- 3 copies of Tax and Assessment Payment Report.
- W-9 form.

**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:**

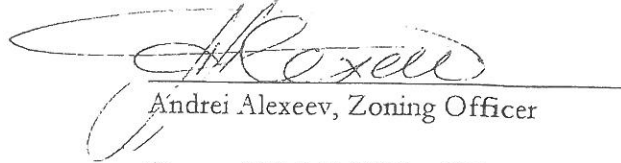
Zoning Report (Residential):	\$50.00
C Variance (Residential):	<u>\$100.00</u>
<b>TOTAL:</b>	<b>\$150.00</b>

**Technical Review Escrow Deposit:**

C Variance (Residential):	<u>\$350.00</u>
<b>TOTAL:</b>	<b>\$350.00</b>

Please remit two separate checks in the above total amounts along with the above-referenced item(s). Upon the submission of the requested materials and their 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 of Adjustment, at 732-247-0922, extension 440.

Sincerely,



Andrei Alexeev, Zoning Officer

Phone: 732-247-0922 x 207

Email: [aalexeev@northbrunswicknj.gov](mailto: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: \$ _____
<b>Check One:</b>	
<input checked="" 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 22 Lot(s) 13 Zone \_\_\_\_\_  
Property Location 1355 Ute Road  
Size of Property 76 x 106

Present Use:  Residential  Non-Residential  Vacant  
Proposed Use:  Residential  Non-Residential Specify: \_\_\_\_\_

**CONTACTS:**

**Applicant:**  Corporation  Partnership  Individual  
 Other/Explain \_\_\_\_\_

Name: Ryan J. Daughton  
Address: 1355 Ute Road North Brunswick, NJ 08902  
Telephone: (732) 289-8175 Fax: \_\_\_\_\_  
Email: RUFan67288@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):**

I am applying for a Variance in order to complete a 6-foot vinyl privacy fence on my property. 1/2 the fence has been installed and the township says I have (2) front yards which require the variance application.

It should be noted 1356 Lute Road directly across the street has the same fencing on a corner property.

**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:

§205-93

6' Stockade Vinyl

Corner lot deviation





§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:

My property sits on a corner lot (Intersection of Charles / Ute)



and I want to fence in my my property, exactly  
like 1356 Wte Road is, also on a corner 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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**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:

This fencing only adds value to the property and area, no detriment is done to the public.

\_\_\_\_\_

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 property across the street has the exact same fencing set up and is on a corner lot.

\_\_\_\_\_  
\_\_\_\_\_



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:

#24314 Fencing permit

**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:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____





**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:** 7/22/22

**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: [Signature] Date: 7/22/22

**APPLICANT'S CERTIFICATION:**

I, Ryan J. Daughton, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 1355 Ute Road 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.

[Signature]  
SIGNATURE

Sworn to and subscribed before me this 22 day of

July, 2022

[Signature]  
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):**

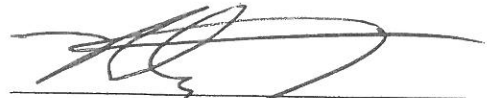
I, Ryan J. Daughton, of full age, being duly sworn according to law and upon my oath depose that: I reside at 1355 Ute Road in the County of Middlesex and State of New Jersey, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that 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) 22 and Lot(s) 13

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.

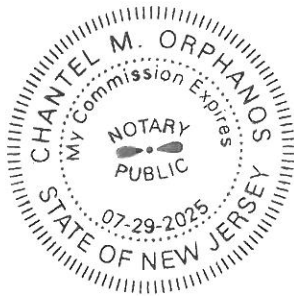
  
SIGNATURE

Sworn to and subscribed before  
me this 22 day of

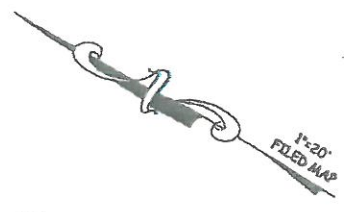
July, 2022



NOTARY PUBLIC



BLOCK 22 T.M.  
BLOCK 520 F.M.



6 Foot Vinyl Stockade

CHARLES AVENUE  
50' R.O.W.

R= 75.00'  
L= 17.44'

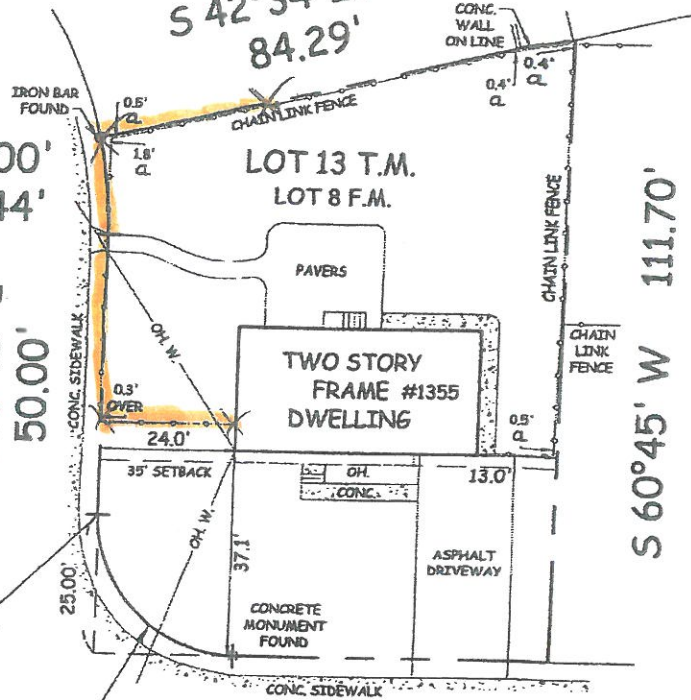
N 60°45' E  
50.00'

P.O.B.

R= 25.00'  
L= 39.27'

S 42°34'28" E  
84.29'

LOT 13 T.M.  
LOT 8 F.M.



S 60°45' W  
111.70'

UTE ROAD  
50' R.O.W.

**REFERENCES:**

"MAP OF NORTH BRUNSWICK MANOR SECTION 1",  
FILED 3/3/1958, MAP NO. 2192, FILE NO. 945; DEED  
BOOK 5073, PAGE 236; TOWNSHIP OF NORTH  
BRUNSWICK TAX MAP SHEET NO. 5

A WRITTEN WAIVER AND DIRECTION NOT TO SET  
CORNER MARKERS HAS BEEN OBTAINED FROM THE  
ULTIMATE USER PURSUANT TO P.L.2003, C.14c  
(C45:8-36.3) AND N.J.A.C. 13:40-5.1(d).

	<b>BRUNSWICK WEST, INC.</b> <small>LICENSED LAND SURVEYORS          219 1/2 SOUTH MAIN STREET FLEXINGTON, NEW JERSEY 08522-1763          PHONE (908) 284-0888 FAX (908) 284-2818</small>	I HEREBY CERTIFY THIS SURVEY TO: RYAN DAUGHTON, SINGLE; HENDRICKS & HENDRICKS; PETER J. HENDRICKS, ESQUIRE; ACQUIRED TITLE SERVICES, LLC; CHICAGO TITLE INSURANCE COMPANY; WELLS FARGO BANK, N.A., ITS SUCCESSORS AND/OR ASSIGNS  
	<b>PLAN OF SURVEY</b> RYAN DAUGHTON NORTH BRUNSWICK TOWNSHIP MIDDLESEX COUNTY, NEW JERSEY BLOCK 22, LOT 13  <small>C.A. #246A28022700</small>	

TITLE #ACQ-10324-19

**RICHARD S. ZINN**  
N.J.L.S. 34888