



TOWNSHIP OF NORTH BRUNSWICK

710 HERMANN ROAD
NORTH BRUNSWICK, NJ 08902

Tel.: (732) 247-0922 x440

Fax: (732) 289-3822

Website: WWW.NORTHBRUNSWICK.NJ.GOV

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Louis and Katherine Ianni
964 Linwood Place
North Brunswick, NJ 08902

FROM: Andrei Alexeev, Zoning Officer

DATE: September 9, 2022

SUBJECT: Block: 214 Lot(s): 1
Street Address: 964 Linwood Place
Applicant: Louis and Katherine Ianni

Dear Mr. and Mrs. Ianni:

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

The following application materials were reviewed:

- 2-sheet architectural plan prepared by Marcille Architecture, dated 8/8/2022;
- 1-sheet copy of the property survey prepared by Robert M. Horvath, dated 11/9/2016.

Administrative

1. The applicant proposes to construct a second-story addition to the existing single-family dwelling over the existing building footprint.
2. The subject property is an undersized corner lot which is located in the R-3 Residential Zoning District, and a single-family dwelling is a permitted use in the zone (Figures 1 & 2 below).

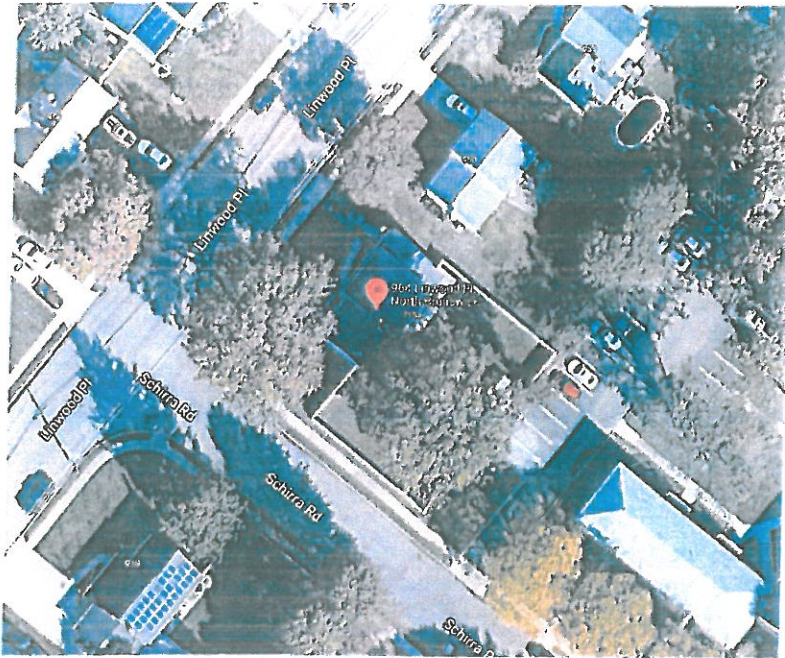


Figure 1: Subject property (2D view).

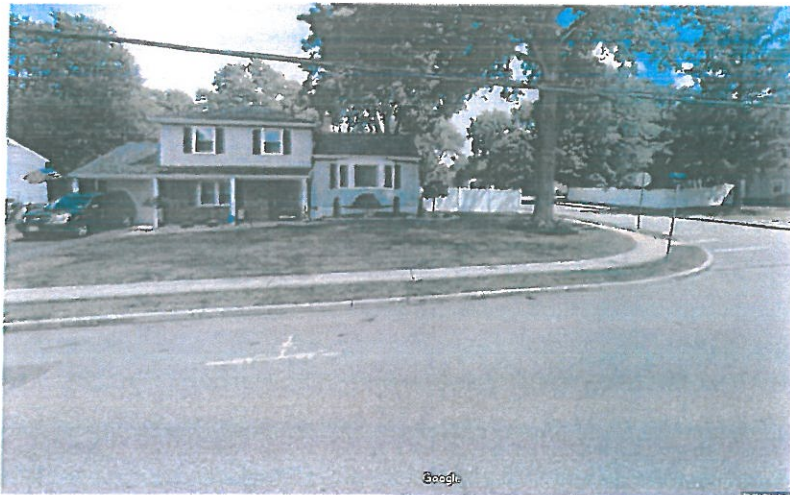


Figure 2: Subject property (Street view).

3. Research of the property records revealed that the subject building was built in or about 1965. In 2018 the property received a variance to erect a 6 ft. solid fence in the required front yard on Schirra Road.
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	Variance	Ordinance
Front Yard Setback, Second-Story Addition (Schirra Road)	35 ft.	30.6 ft.	V	§205-4.1 (Table 1, R-3 Zone)

b. The following pre-existing nonconforming conditions remain:

Description	Min. Required/Max. Permitted	Existing	Variance	Ordinance
Lot Area (Corner Lot)	12,000 sq. ft.	Approx. 10,666 sq. ft.	EN	§205-4.1 (Table 1, R-3 Zone)
Side Yard Setback, Dwelling	8 ft.	6 ft.	EN	§205-4.1 (Table 1, R-3 Zone)
Side Yard Setback, Shed	5 ft.	1.7 ft.	EN	§205-26.1 (C)
Side Yard Setback, Walkway	3 ft.	Approx. 2 ft.	EN	§ 205-26.1 (C)

V = Variance

EN = Existing Nonconformity

Technical

1. Variances:

- a. **Front Yard Setback, Second-Story Addition (Schirra Road)** – The applicant proposes to construct a second-story addition to the existing single-family dwelling over the existing building footprint located 30.6 ft. from the front property line on Schirra Road, whereas the minimum required front yard setback is 35 ft. (§205-4.1 (Table 1, R-3 Zone)). Pursuant to § 205-125 (C) of the Land Use Ordinance, no lawfully pre-existing nonconforming building shall be enlarged, extended or increased in size unless such enlargement, extension or increase, including new level additions that fit on top of the existing footprint, complies with all requirements of the zoning district in which the building is located. The applicant should justify this variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

Miscellaneous:

1. Pursuant to § 205-7 of the Land Use Ordinance, the greater frontage of a corner lot is its width, and its lesser frontage is its depth. The zoning lot data table should be revised accordingly.

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.
- Electronic copy of the architectural plans.

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:

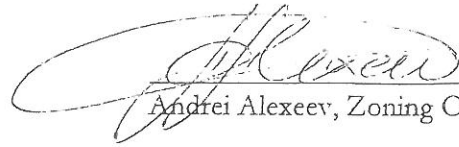
C Variance (Residential):	<u> \$100.00</u>
TOTAL:	\$100.00

Technical Review Escrow Deposit:

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

Please remit two separate checks in the above total amounts and provide the items identified above. Upon receipt and review of the requested materials, 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:	
<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 @! 214 Lot(s) 1 Zone R-3
Property Location 964 Linwood Place
Size of Property .2283 acre

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

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain _____

Name: Louis and Katherine Ianni
Address: 964 Linwood Place, North Brunswick NJ 08902
Telephone: 908-510-4921 Fax: _____
Email: l.ianni0211@gmail.com

Owner (if different from Applicant):

Name: Same as Applicant
Address: _____
Telephone: _____ Fax: _____
Email: _____

Engineer Architect:

Name: Mark Marcille
Address: 505 Main St., 2nd Fl, Metuchen NJ 08840
Telephone: 732-662-5824 Fax: _____
Email: mark@mpm-arch.com

Attorney: N/A

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



PART II

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

Applicant proposes to construct a second story addition to the

existing single family house. The proposed addition will be a master

suite consisting of a master bedroom, walk-in closet and master

bathroom. The proposed addition will be constructed over the

existing kitchen and living room areas. The proposed addition will

remain within the existing building footprint.

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:
§205- 4.1a(2) Minimum Lot Area-12,000sf

Proposed Deviation:
10,665.87sf



§205- 4.1a(3)	Minimum Lot Width - 100ft	90ft.
§205- 4.1a(5)	Minimum Front Yard - 35ft	Schirra Road - 30.6ft
§205- 4.1a(6)	Minimum Side Yard - One - 8ft	Left Side Yard 6ft
§205- 4.1a(10)	Accessory Building-Rear Yard	5ft 1.7ft
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____
§205- _____	_____	_____

Identify Requested Design Waivers: None

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:

Due to the propety being a corner lot, the front yard setback requirement



creates a need for a variance on what is in actuality a side yard.

This is an existing condition.

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: Due to the property being a corner lot, the front yard setback requirement creates a need for a variance on what is in actuality a side yard. The proposed construction will remain in the existing building footprint, thereby not encroaching any further into the existing setback area.

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: _____
This construction will not create any detriment to the intent and purpose of the zone plan and zoning ordinance because the conditions are all existing.



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:
Variance Application/Approval #ZA-04-18-156 Relief granted to

construct a fence.

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:
14	Architectural Drawing/Plot Plan
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



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: N/A

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

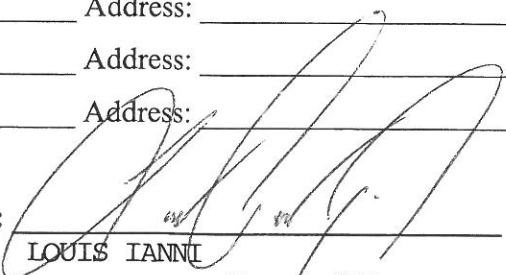
Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Applicant's Signature:  **Date:** 8/30/2022

LOUIS IANNI



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:** 2/30/2008

Owner's Signature (if different from Applicant): N/A **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: 8/30/2022
LOUIS IANNI

APPLICANT'S CERTIFICATION:

I, LOUIS IANNI, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 964 Linwood Place, North 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 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 LOUIS IANNI

Sworn to and subscribed before me this 30th day of August 2022

[Signature]
NOTARY PUBLIC



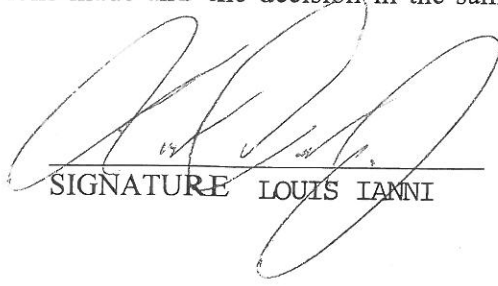
OWNER'S CERTIFICATION (If the owner is a corporation, this section must be signed by an authorized corporate officer. If the owner is a partnership, this section must be signed by a general partner):

I, LOUIS IANNI, of full age, being duly sworn according to law and upon my oath depose that: I reside at 964 Linwood Place, North 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

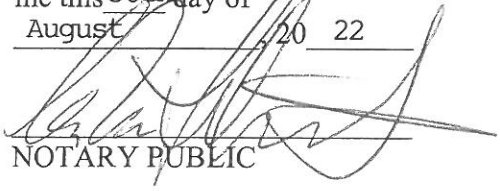


situated, lying, and being in the municipality aforesaid, and known and designated as Block(s) 214 and Lot(s) 1,

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 LOUIS IANNI

Sworn to and subscribed before
me this 30th day of
August 20 22


NOTARY PUBLIC



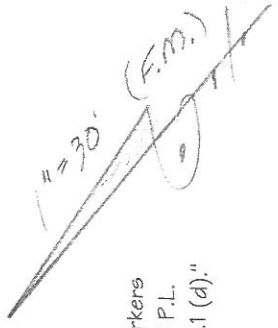
REFERENCES: DEED BK. 2482 PL. 216;
 MAP OF "NORTH BRUNSWICK VILLAGE - SECTION 2"
 MAP NO. 2746 FILE NO. 951 FILED 3-3-1964; NORTH
 BRUNSWICK TWP. TAX MAPS;

LOT 11

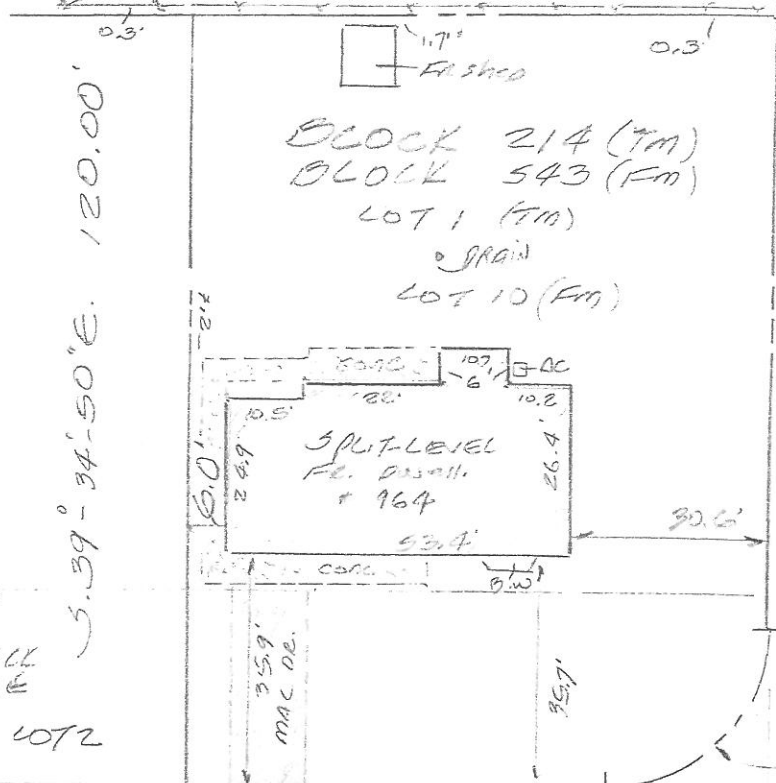
S. 50° 25' 10" W. 90.00'

MAL. LOT 1

CCF



"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)."



N. 39° 34' 50" W. 95.00'

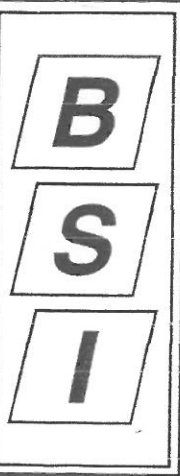
SCHIRRA ROAD

N. 50° 25' 10" E. 65.00'

P.O.B. MON. FD.

T=25.00'

- LINWOOD PLACE -



Brunswick Surveying Incorporated
 Licensed Land Surveyors
 61 Steilton Road • Piscataway, New Jersey 08854
 (732) 752-0100

PLAN OF SURVEY

Louis F. Ianni, Jr.
 Katherine L. Ianni
 Township of North Brunswick
 Somerset County, New Jersey
 Block 214 Lot 1

I hereby certify this survey to:
 Louis F. Ianni, Jr. and
 Katherine L. Ianni, husband and
 Wife; Suburban Title Examiners
 Inc.; Old Republic National
 Title Insurance Company;
 Victor H. Anthenelli, Esq.;
 Georgia Banking Company d/b/a
 National Mortgage Alliance,
 ISAOA/ATIMA

Drawn by RH Job No. 1781-16 Date 11/9/2016
 Checked by TG Cert. No. 24GA27940000 Scale 1"=30'

ROBERT M. HORVATH N.J.L.S. 27476
 JAY A. STUHL, JR. N.J.L.S. 36762