

TOWNSHIP OF NORTH BRUNSWICK 710 HERMANN ROAD

NORTH BRUNSWICK, NJ 08902

Tel.: (732) 247-0922 x440
Fax: (732) 289-3822
Website: <u>WWW.NORTHBRUNSWICKNJ.GOV</u>

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO:

Matthew T. Bach, Esq.

1566 Route 130

North Brunswick, New Jersey 08902

FROM:

Andrei Alexeev, Zoning Officer

DATE:

September 20, 2022

SUBJECT:

Block: 137 Lot(s): 5

Street Address: 1212 Livingston Avenue

Applicant: The Presbyterian Church in New Brunswick

Dear Mr. Bach:

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

The following application materials were reviewed:

- O 1-sheet sign plan with the proposed location of the sign;
- O 2-sheet sign design plan prepared by Stewart Signs, dated 6/8/2022.

Administrative

- 1. The applicant proposes to replace an existing freestanding sign with a new 31 sq. ft. freestanding sign with an active LED area.
- 2. The subject property is located in the R-3 Residential District and a church or place of worship is a conditional use in the zone (Figures 1 & 2 below).

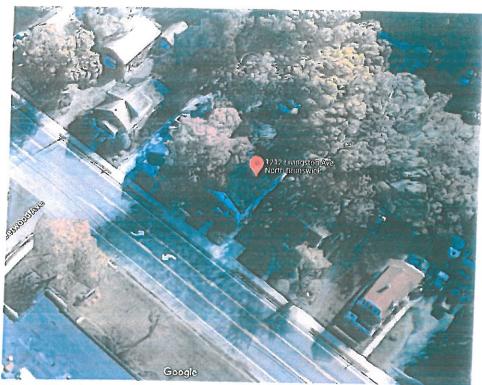


Figure 1: Subject property (3D view).



Figure 2: Subject property (Street view).

- 3. 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
Freestanding Sign, Front Yard Setback	20 ft.	3 ft.	V,	§ 205-102 (C)
Freestanding Sign, Sign Area	20 sq. ft.	31.5 sq. ft.	V	€ 205-104 (G)
Freestanding Sign, Type	Static	Active LED	V	§ 205-103 (A)

V = Variance

Technical

1. Variances:

- a. Freestanding Sign, Front Yard Setback The applicant proposes to construct a new freestanding sign 3 ft. from the front property line, whereas no sign shall be located closer than 20 feet to any lot line, except traffic signs and other signs installed by governmental agencies (\$205-102 (C)). The applicant should justify this variance request and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- b. Freestanding Sign, Sign Area The applicant proposes to replace an existing freestanding sign with a new 31 sq. ft. freestanding sign, whereas religious institutions, hospitals, nursing homes, private schools and service organizations may have one freestanding sign not exceeding 20 sq. ft. (§205-104 (G)). The applicant should justify this variance request and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- c. Freestanding Sign, Type The applicant proposes to replace an existing freestanding sign with a new 31 sq. ft. freestanding sign which will contain approximately 8.27 sq. ft. of active LED area, whereas moving or revolving signs and signs using waving, blinking, flashing, vibrating, flickering, tracer or sequential lighting are prohibited (§205-103 (A)). The applicant should justify this variance request and provide testimony to satisfy the C-1 (hardship) and/or C-2 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:

- 15 copies of a property survey;
- W-9 form;
- 3 copies of a complete "Tax and Assessment Payment Report" form;
- § 205-135.2 (L): Electronic copies of plans, application forms, etc.

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 (Commercial)x3:	\$600.00
TOTAL:	\$600.00
Technical Review Escrow Deposit:	
C Variance (Commercial)x3:	\$900.00
TOTAL:	\$900.00

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



Revision Date: 9/2020



	For Office Use Only	
Date Filed:	Appl. No.:	
Appl. Fee: \$	Escrow Deposit: \$	
	Check One:	
☐ Zoning Board of Adjusts	ment	
☐ Planning Board		

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 2

SUBJECT PROPERTY:

Block 137	Lot(s) <u>5</u>	Zone R3
Property Location 12	12 Livingston Avenue, North Bruns	wick, NJ 08902
Size of Property		
Present Use: Proposed Use:	Residential Non-Residential	Specify: Church/Place of Worship
Troposed osc.	D residential Ed Pon-Residential	Speeny. Church race of worship
CONTACTS:		
Applicant:	☑ Corporation ☐ Partnership ☐ Ir ☐ Other/Explain	
Name: PRESBYTER	IAN CHURCH IN NEW BRUNSW	<u>TICK</u>
Address: 1212 LIVIN	GSTON AVENUE, NORTH BRUN	NSWICK, NJ 08902
Telephone: <u>732-545-2</u>	111 Fax:	-
Email: office@presby	teriannewbrunswick.org	
Owner (if different f	rom Applicant):	
Name:		
Address:		
Telephone:		Fax:
Email:		-
Engineer:		
Name:		
Address:		i.
		Fax:
Email:		-
Attorney:		
Name: Matthew T.	Bach, Esq. Address: 1566 Rout	e 130, North Brunswick, NJ 08902
Telephone: <u>732-422-3</u>	660 Fax: <u>732-422-1292</u>	
Email: attorneybach@	gmail.com	



PART 3

	eplace Existing MONUMENT MASONRY BASE MOUNTED SIGN with an electronic
املا	ED sign with programmable dimmable feature.
2	

-	
VA	RIANCE(S) REQUESTED (Check all that apply):
	The state of the s
X"(C" Variance(s):
	X 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):
	\square D(1) - Use or principal structure in a district restricted against such use or principal structure.
	\square D(2) - Expansion of a nonconforming use.
	\square D(3) - Deviation from a specification or standard pertaining solely to a conditional use.
	\square D(4) - Increase in the permitted floor area ratio.
	\square 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:	Subdivision:		
Site Plan	☐ Minor Subdivi		
☐ Amended Site Plan ☐ Conditional Use	☐ Preliminary M		n
Li Conditional Use	☐ Final Major St		C. 1. 1' ' '
	☐ Amended Prel		
	☐ Amended Fina	u Major Subdiv	/ISION
☐ Other (specify):			
A change to a nonpermitted use shall require a	site plan approval o	r, as a minimu	n, a site plan
waiver request. Such request may be considered	by the Board, and, i	f granted, will	constitute an
acknowledgment by the Board that the condition		1.70	
requirements of Chapter 205. No site plan waive			1 1 2
is not satisfactory in such matters as traffic, circ	2007		
coverage, safety, landscaping, buffer, fire safety,	noise or other requir	ements of Chap	oter 205
Is a site plan waiver requested?	☐ YES	⊠NO	
☐ If a site plan waiver is sought, explain why the	request shall be gran	ited:	

Is the application proposed to be bifurcated?	☐ YES	⊠ NO	
If bifurcated, identify the nature of subsequ	ient develonment	annrovals to	he cought:
ii bitatoatoa, taomiiy me matato bi babboqt	dent development	approvais to	oc sought.
Identify Requested Variances:			
Ordinance Section: Requirement:	Proposed	Deviation:	

		The second secon
§205- <u>102 (C)</u>		Variance to install a freestanding sign
	line	3 feet from the property line
§205- <u>103 (A)</u>	Changeable message sign not	Variance for Changeable message
50000000000000 IS 0000000 00000000	permitted	sign
§205- <u>104 (G)</u>	Sign not to exceed 20 sq. ft.	Variance for sign to be 24 sq. ft.
§205		
§205	-	
§205		
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	,	
§205		
§205		
Identify Requested	Design Waivers:	
Ordinance Section:	Requirement:	Proposed Deviation:
§205		
§205		
§205		
§205		
§205	V-12	
§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:



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: Improved technology and the world around us have significantly changed and LED signs
once rare are now common place and can be found in all areas of North Brunswick. Improved
signage at the property will enhance function and visibility of the religious organization as it serves
the North Brunswick residence and provide enhanced notices and public information to the
community. Similar sign has been approved and installed at the Livingston Park School at 1128
Livingston Avenue, North Brunswick with no known issues and 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: The proposed LED sign is dimmable and programmable to ensure that the intent and the purpose of the zone plan and zoning ordinance to prevent the "old neon" type of signs that may be unsightly and bright and offensive to some residence, which we believe the ordinance intended to prevent. The proposed LED sign is minimally disruptive and provides easily visible marker to locate the church as it serves the public and the nearby residence of North Brunswick. Also, similar sign has been approved and installed at the Livingston Park School at 1128 Livingston Avenue, North Brunswick with no known issues and without substantial detriment to the public good.



PART III

			☐ YES	⊠ NO	
f yes, pro	ovide file number(s)	and state	the nature, date	and disposition	of said mater:
s public wa	ater available?		ĭ YES	□NO	
f no, how v	vill water service be s	upplied?			
s public se	wer available?		ĭ YES	□ NO	
f no, provid	de proposed method o	f sewage dis	sposal:		
re there a	ny existing deed rest	rictions, ea	sements or coven:	ants?	
			☐ YES	■ NO	
f yes, are co	opies provided?		☐ YES	□ NO	
re any dec	ed restrictions, easen	ients or co	venants contempla	ated?	
			☐ YES	□ NO	
f yes, are co	opies provided?		☐ YES	□ NO	
nes the our	ner own or have any	ownership	o interest in any c	ontiguous proper	ty?
oes the on			~ ~ ~ ~	ĭ NO	
			☐ YES		
	de type of ownership,	address, bl			
	de type of ownership,	address, bl			
yes, provi	de type of ownership,		ock and lot(s):		
yes, provi		ND OTHE	ock and lot(s):		
yes, provi	LANS, REPORTS A	ND OTHE	ock and lot(s):	SUBMITTED:	
yes, provid	LANS, REPORTS A Description of Item	ND OTHE a: g Layout of	R MATERIALS	SUBMITTED:	
yes, provid	LANS, REPORTS A Description of Item Site Plan-Providing	ND OTHE The state of the state	R MATERIALS: the property and p	SUBMITTED:	

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	OWNERS OF CORROL WAY OR BURELING	
Marie de la companya del companya de la companya de la companya del companya de la companya de l	OWNERS OF CORPORATION OR PARTNERSHIP:	
	tnership applying to a Board for permission to subdivide a parcel of la	
	or applying for a variance to construct a multiple dwelling of 25 or m	
•	proval of a site to be used for commercial purposes shall list the names	
	holders or individual partners owning at least 10% of its stocks of any cl	
or at least 10% of	ne interest in the partnership, as the case may be, as required by N.J.S	.A.
40:55D-48.1. App.	ations which do not comply with N.J.S.A. 40:55D-48.1 et seq. will	be
deemed incomplete		
Name:	Address:	
Vame:	Address:	
Name.		



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: _	mortha Renker	Date:	9/8/2022
	Martha Decker, President, Presbyterian Chi	arch in New Brunswick	
Owner's Signature (if di	fferent 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: Martha Deales Date: 9/8/2022

Martha Decker, President

Presbyterian Church in New Brunswick

APPLICANT'S CERTIFICATION:

I. Martha Decker, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 1187 NEWTON STREET, 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.

Sworn to and subscribed before

me this & day of

September, 2022

NOTARY PUBLIMatthew T. Bach Attorney at Law

State of New Jersey



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, Martha Decker, President of Presbyterian Church of New Brunswick, of full age, being duly sworn according to law and upon my oath depose that: I reside at 1187 NEWTON STREET, 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) 137 and Lot(s) 5, 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: Martha Decker, President Presbyterian Church in New Brunswick

Sworn to and subscribed before me this ____ day of

September, 2022

NOTARY PUBLIC

Matthew T. Bach Attorney at Law State of New Jersey

Exhibit A

Site Plan

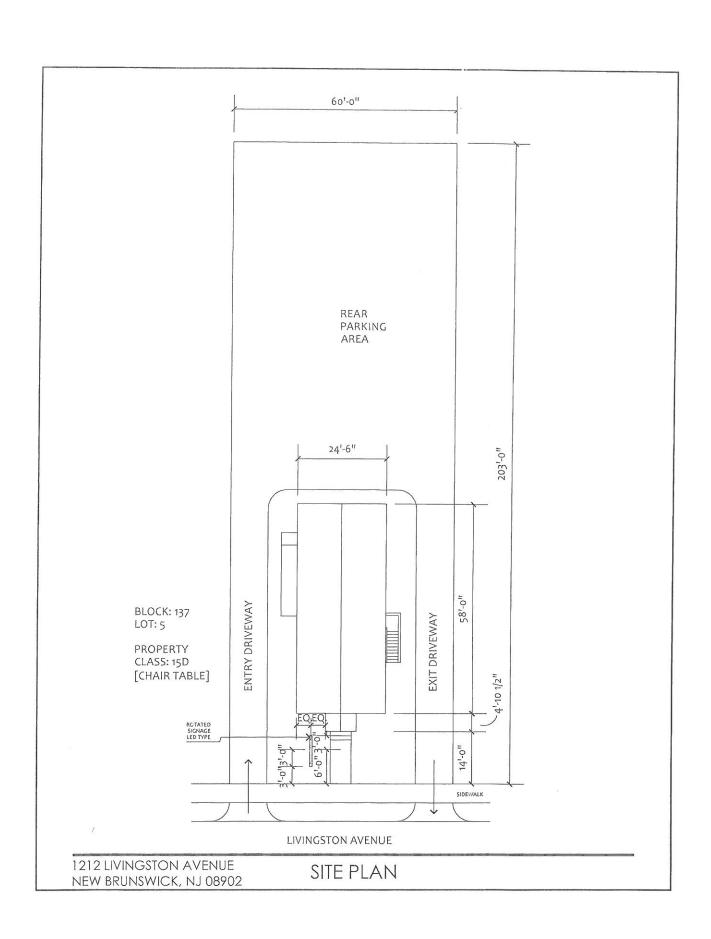


Exhibit B

Photos of Current Sign





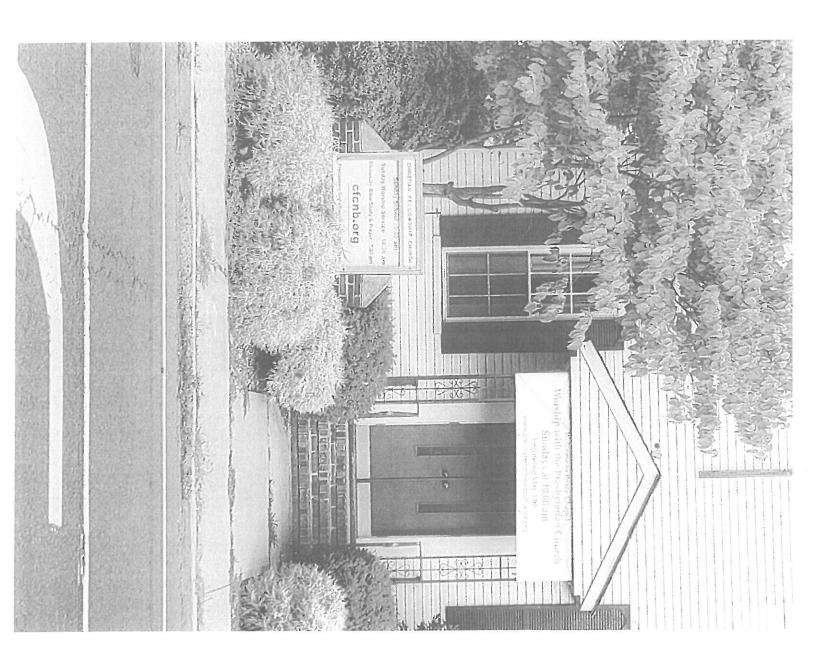


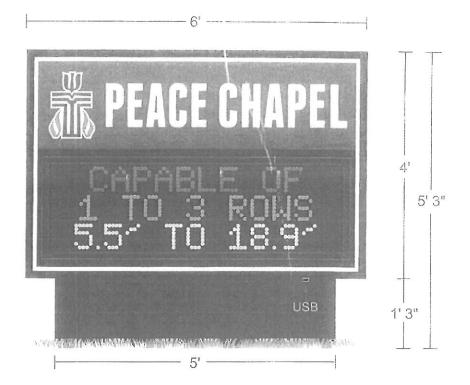
Exhibit C

Drawing of Proposed LED Sign and Dimmable Specs.





ID Flat Surface Area: 18.625" x 67.875" Active LED Area: 18.9" x 63"





1-800-237-3928 stewartsigns.com

TekStar Color 20mm 24x80

Cabinet size: 4'x6' Sk: 995413-1a-s Cust: 1902037 6/8/2022 F/cFleeman SOLD Scale: 3/4"=1' Cabinet Color: Black

Signature	
Date	





















995413-1a-s
Photo real VECTOR header
ID Flat Surface Area: 18.625" x 67.875"
With bleed: 19.125" x 68.375"



1-800-237-3928 stewartsigns.com

TekStar Color 20mm 24x80

Cabinet size: 4'x6'
Sk: 995413-1a-s Cust: 1902037
6/8/2022 F/cFleeman SOLD
Scale: 3/4"=1' Cabinet Color: Black

Signature	

Date _____







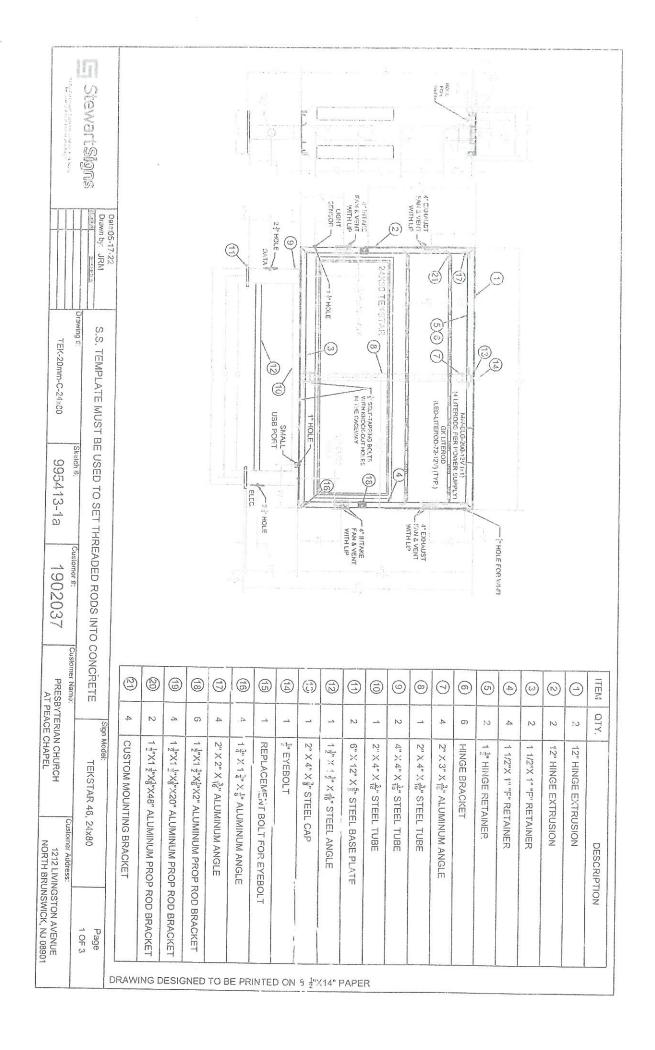


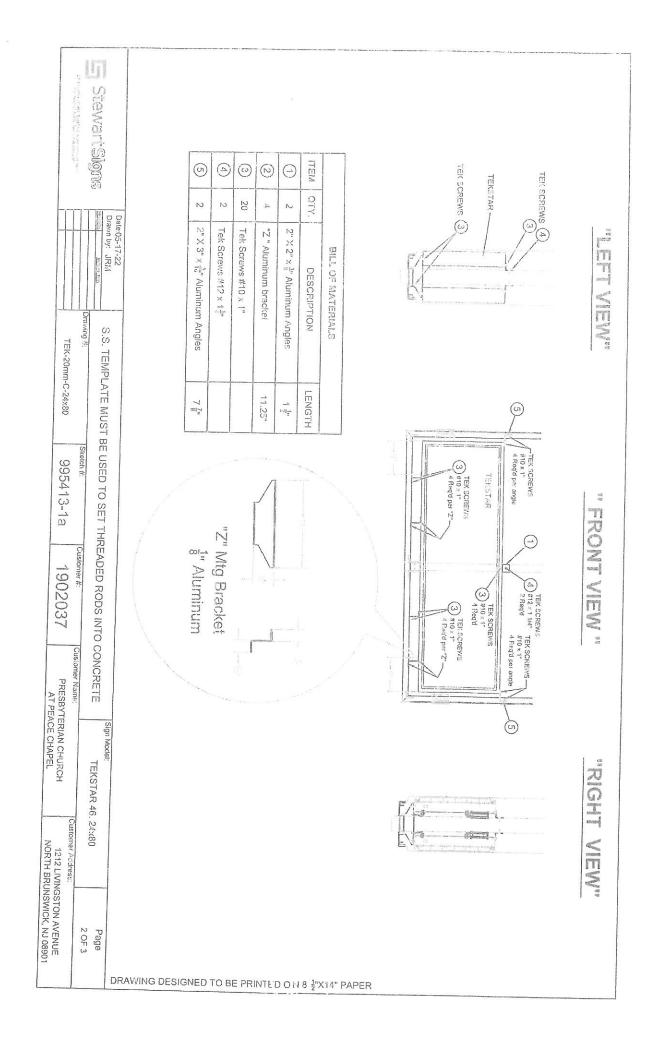


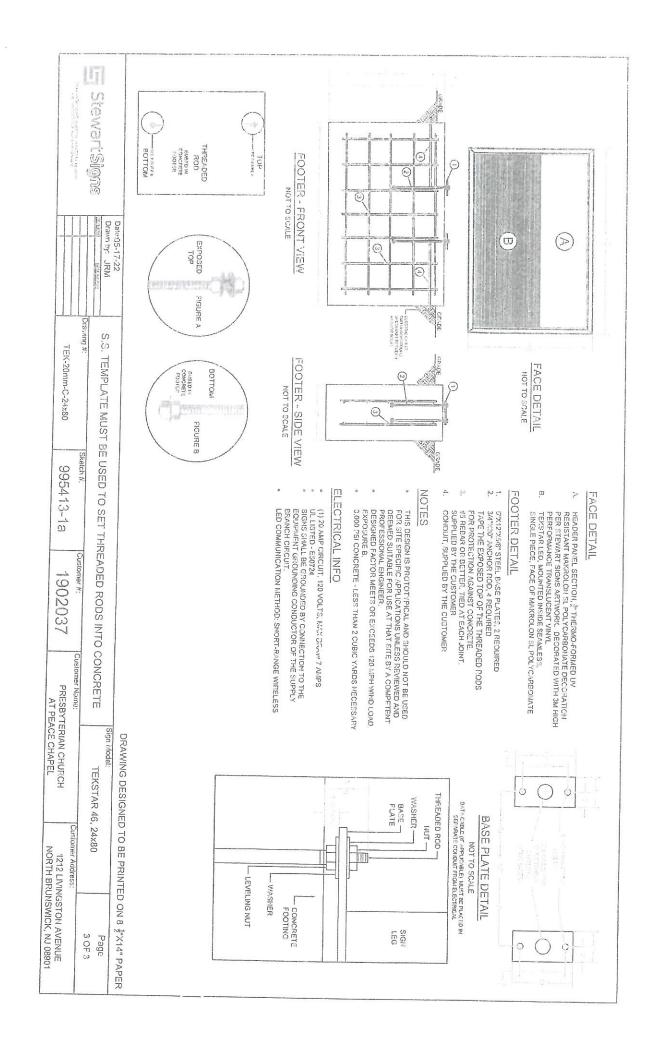


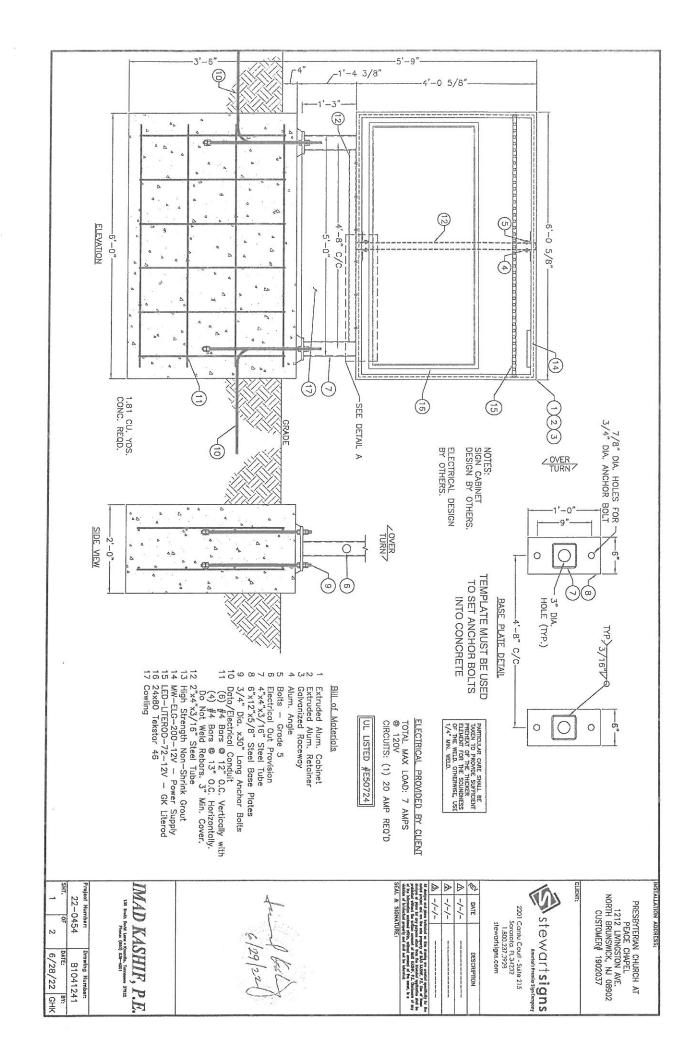


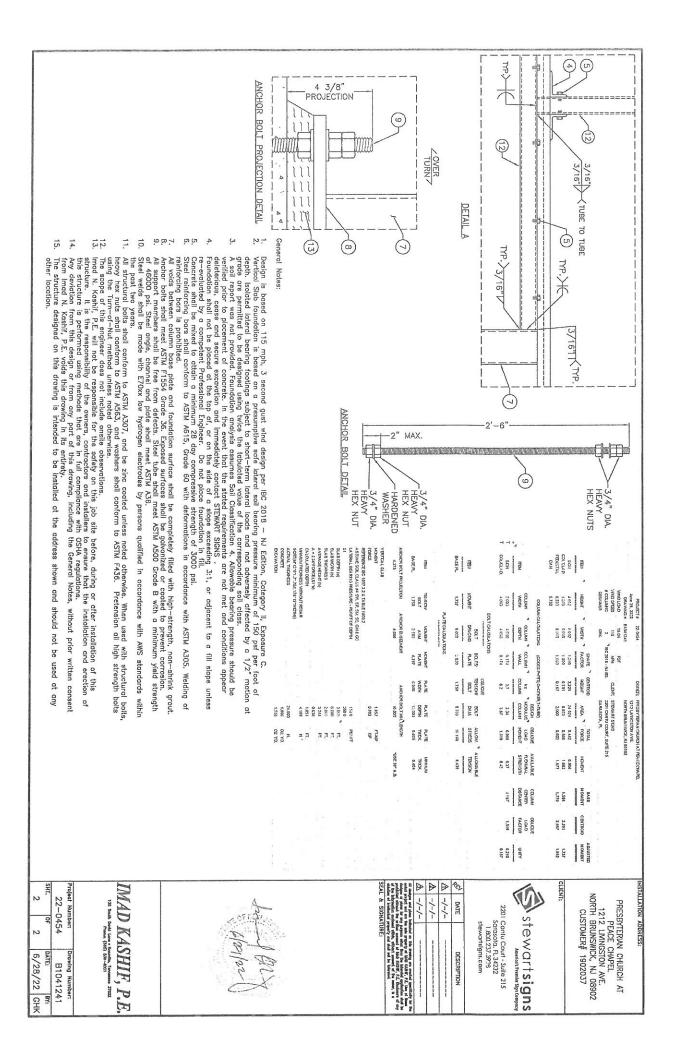
This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone produce. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimizing distance.











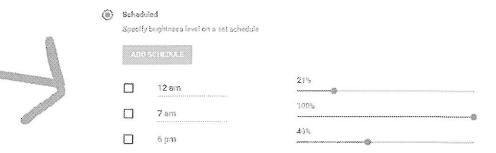
Brightness Settings

An important feature of your sign the ability to adjust the LED display brightness to the appropriate levels. This will allow your sign to be seen during daylight hours, but not become too bright for nighttime use. You can access the Brightness Settings for each of your displays within the Signs page.

By default, your sign is set to automatically adjust to the local light conditions. It does this by taking measurements from an attached light sensor, and calculating the optimal sign brightness. We recommend leaving your sign on this automatic brightness setting whenever possible. However, it may be necessary to change it depending on zoning requirements or conditions specific to your location.



The next brightness option is to set a daily schedule. By selecting this option and clicking Add Schedule, you can set the time and level of desired brightness. As many schedules as necessary can be added to this brightness setting. Schedules can also be removed if no longer needed. At the designated times, your sign will adjust its brightness to your specified value.



The last brightness option is to set a manual value that will not change over time. As with scheduled brightness, this value is set as a percentage. Please note that with both the Scheduled and Manual brightness settings, there will still be a faint message visible at the lowest levels of brightness. To turn your sign's display off completely at certain times, see the Play Schedule section below.



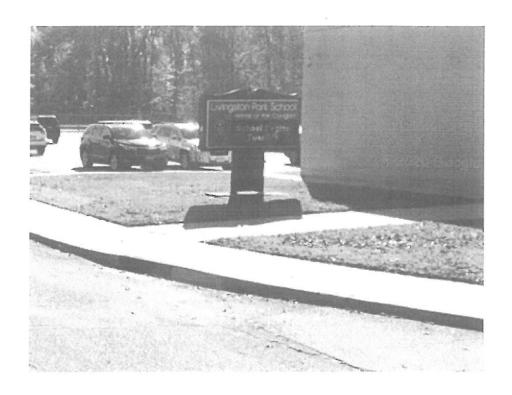
Once you've made your selections, click Save to send your new brightness settings to the sign. It may take a minute or two for your sign to update with the new settings.

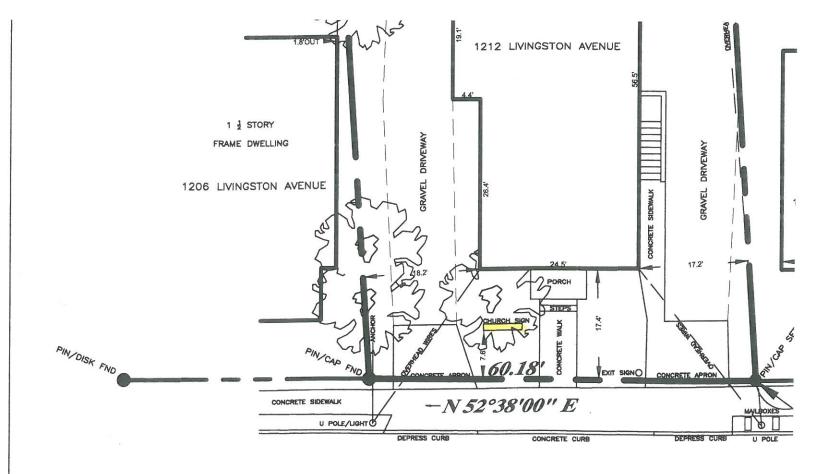


The "Automatic" selection uses an ambient light sensor to determine the sign brightness. This selection will automatically brighten the sign during the day to compete with the sun, and dim it for evening and night-time use.

Exhibit D

Photo of Current Livingston Park School LED Sign

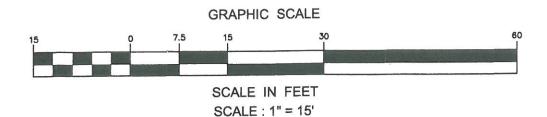




LIVINGSTON AVE

(ALSO KNOWN AS STATE ROUTE

(VARIABLE WIDTH RIGHT OF WAY PER TAX N



AREA:

C