



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

Tel.: (732) 247-0922 x440

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DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Rosalind Westlake, Esq.
243 North Union Street
Suite 202
Lambertville, New Jersey 08530

FROM: Sal Profaci, Zoning Officer

DATE: December 12, 2022

SUBJECT: Block: 4.33 Lots: 9.24
Street Address: 1980 Route 27
Applicant: Plaza 27, LLC – The Living Water Global Outreach Ministries

Dear Ms. Westlake:

I have reviewed the application for Use Variance 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 Ameritech Engineering Inc., dated 4/28/1983
- Seating plan schematic provided 12/7/2022

Administrative

1. The applicant is applying for a use variance in an existing 1,680 sq. ft. commercial space. The convenience center consists of (5) five retail units totaling 8,658 sq. ft. The Zone C-1-Neighborhood Commercial District does not list churches and places of worship as a permitted use.
2. The property consists of approximately 51,487.9 sq. ft. or 1.182 acres of lot area. The subject premises are adjacent to commercial uses, and residential units to the North and South. The

townhouses are located in Franklin Township on the opposite side of Route 27. The residential area to the south is on Delta Court. Ordinance 205-54 requires an additional thirty-foot buffer strip when a residence abuts a nonresidential use. There is over ninety (90') feet from the rear parking lot to Delta court. The area is adequately buffered.

3. Research of the property records revealed that in 1983 the property received site plan approval for a one (1) story retail convenience center with no bulk variances. The zone was C-2 at the time of the approval.

4. Variances regarding the proposed development are summarized in the following table(s):
 - a. The proposed development requires the following "D" variance(s):

Use	Current Use	Proposed	Use Variance	Ordinance
Churches and places of worship	Retail Convenience	Church Fellowship	V (pursuant to 40:55D-70(d)(1))	§§205-65 (A)

V = Variance

Technical

1. **Site Plan:** The applicant proposes no site improvements and requests a site plan waiver, and proposes to accept the previously granted site plan approval for a convenience center as satisfactory for the proposed church fellowship.

2. **Variances:**
 - a. **Use** - Churches and places of worship are not a permitted use in the C-1 Neighborhood Commercial Zone.

The applicant should justify this variance by presenting testimony sufficient to satisfy the Board that in the context of the proposed use that the subject site continues to be an appropriate site for the non-permitted new use. Testimony that the requested variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance as a result of the deviations from the zone requirements.

3. **Miscellaneous**

Off-Street Parking, Number of Spaces - The applicant proposes to maintain a previously approved parking lot. The existing site plan parking computations were based on 8,658 sq. ft. of gross floor area. One (1) space is required for every 200 s.f. of retail. Churches and similar places of public assembly not having fixed seating facilities shall

provide (1) one parking space for every (4) four seats.(§ 205-100 (B)(13)). The seating plan indicates there are 60 seats thus requiring 15 spaces.

205-100 (7) **Retail and service stores:** One parking space for each 200 square feet, therefore 6,978 square ft would require 35 spaces.

The total required parking would be 50 spaces where 52 have been provided.

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

The application is administratively complete.

Note: 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,



Sal Profaci, Zoning Officer

cc: 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

9.2

SUBJECT PROPERTY:

Block 4.33 Lot(s) 9.24 Zone C-1

Property Location 1980 Route 27 North, North Brunswick

Size of Property 1,680 sq. ft. unit in existing 9,040 sq. ft. retail convenience center

Present Use: Residential Non-Residential Vacant

Proposed Use: Residential Non-Residential Specify: House of Worship

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain Limited Liability Company

Name: Plaza 27, LLC

Address: 47 Leeds Lane, Monroe Township, NJ 08831

Telephone: _____ Fax: _____

Email: _____

Owner (if different from Applicant):

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

Engineer: Planner:

Name: John Taikina, PP, All Things Planning & Development, LLC

Address: 30 Newman Road, Kendall Park, NJ 08824

Telephone: 732.421.5675 Fax: _____

Email: john@allthingspd.com

Attorney:

Name: Rosalind Westlake

Address: 243 North Union St., Ste 205, Lambertville, NJ 08530

Telephone: 609.514.5122 Fax: _____

Email: rosalind@westlake-law.com



PART II

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

Applicant seeks to lease the existing 1,680 sq. ft. space in the existing 9,040 retail convenience center for use as a House of Worship.

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): Waiver of Site Plan Approval

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:
Applicant proposes renting an existing 1,680 sq. ft. retail space located in an existing shopping center for use as a House of Worship. There will be no change in the existing approved site plan footprint. There are no site plan or bulk variances or design waivers requested or required.

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- 65	Retail uses, etc.	House of Worship



§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____

Identify Requested Design Waivers:

Ordinance Section:	Requirement:	Proposed Deviation:
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§205-	_____	_____
§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:



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: The proposed use of one unit measuring 1,680 sq. ft. out of the existing 9,040 sq. ft. approved retail convenience center as a House of Worship is considered to be an inherently beneficial use is a special reason that satisfies the positive criteria under the Land Use Ordinance by promoting the general welfare.

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good: The proposed use is an inherently beneficial use. There is no detriment to the public good because there is no impact on nearby properties. The retail convenience center in which the proposed use is to located has been operating for approximately 40 years. The unit will only be used on Wednesday evenings and Sundays at a time when the other 4 uses will be closed and therefore there will be ample parking and no impact on traffic in and out of the lot.

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: There is no detriment to the intent and purpose of the zone plan and ordinance as there will be no change in the site, the intensity of usage and therefor no impact to the public.



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:

In 1983, an application for Site Plan approval was granted.

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:

_____ Site Plan dated April 28, 1983 by Amertech Engineering consisting of 1 page



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: Daniel DiStefano Address: 47 Leeds Lane, Monroe, NJ 08831

Name: Stanley Ferman Address: 47 Leeds Lane, Monroe, NJ 08831

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Applicant's Signature: _____ **Date:** _____



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: Daniel DiStefano Date: 10.17.22

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: Daniel DiStefano Date: 10.17.22

APPLICANT'S CERTIFICATION:

I, Daniel DiStefano, Managing Member, of full age, being duly sworn according to law and upon my oath, depose that: I ~~reside at~~ have offices at 47 Leeds Lane, Monroe Township, NJ 08831 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.

Daniel DiStefano
SIGNATURE

Sworn to and subscribed before me this 17th day of

October, 2022

NOTARY PUBLIC

Rosalind Westlake
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, Daniel DeStefano, Managing Member, of full age, being duly sworn according to law and upon my oath depose that: I ~~reside at~~ have offices at 47 Leeds Lane, Monroe Township, NJ 08831 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) 4.33 and Lot(s) 9.24,

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.

Daniel P. Stefano
SIGNATURE

Sworn to and subscribed before
me this 17th day of

October, 2022

NOTARY PUBLIC

Rosalind Westlake
Attorney at Law
State of New Jersey

LAND USE

205 Attachment 5

Township of North Brunswick

Appendix E
Bifurcated D Variance Checklist
(To be completed by applicant)

Application for Approval of Variance Requested Pursuant to N.J.S.A. 40:55D-70d Where No Site Plan or Subdivision Application Accompanies the Variance Application

	Submitted	Waiver Requested	N/A	
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Plot plan or survey accurately depicting the property in question and all structures appurtenant.
2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sketch of proposed improvements on the plot plan, including accurate measurements of distance to all property lines.
3.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Show all required yard setbacks as per Land Development Zoning Ordinance and yard setbacks proposed.
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Computation of percentage of lot coverage, existing and proposed.
5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Additional information on plans pertaining directly to on-site parking, if required, and any required landscaping or buffering.
6.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clear statement of reasons for need of variance.
7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sections of Zoning Ordinance involved.
8.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Completion of application form.
9.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Payment of all fees.
10.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfaction of all notice and publication requirements.
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Photos of the property in the location of the proposed improvements.
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural sketches of proposed improvements.

Site Plan information as follows: (Note: For details of all submissions, see Article VII. Applicant shall check off all items as: submitted, not applicable or waiver requested.)

Scale:

NORTH BRUNSWICK CODE

	Submitted	Waiver Requested	N/A	
13.	_____	_____	<u>✓</u>	1 inch = 50 feet (40 or fewer acres).
14.	_____	_____	<u>✓</u>	1 inch = 100 feet (over 40 acres).
Size:				
15.	_____	_____	<u>✓</u>	8 1/2 inch x 14 inch.
16.	_____	_____	<u>✓</u>	15 inch x 21 inch.
17.	_____	_____	<u>✓</u>	24 inch x 36 inch.
18.	_____	_____	<u>✓</u>	30 inch x 42 inch.
Drawings submitted:				
19.	_____	_____	<u>✓</u>	Title sheet.
20.	_____	_____	<u>✓</u>	Site survey and layout plan.
21.	_____	_____	<u>✓</u>	Drainage plan.
22.	_____	_____	<u>✓</u>	Landscape plan.
23.	_____	_____	<u>✓</u>	Lighting plan.
Key map.				
Title block.				
24.	_____	_____	<u>✓</u>	Name of development, municipality and county.
25.	_____	_____	<u>✓</u>	Name and address of developer.
26.	_____	_____	<u>✓</u>	Scale.
27.	_____	_____	<u>✓</u>	Date of preparation.
28.	_____	_____	<u>✓</u>	Name, address, signature and license number of the professional engineer and other professionals who prepared the drawing.
29.	_____	_____	<u>✓</u>	Graphic scale and North arrow.
30.	_____	_____	<u>✓</u>	Revision box.
31.	_____	_____	<u>✓</u>	All existing tract boundary or lot lines.

LAND USE

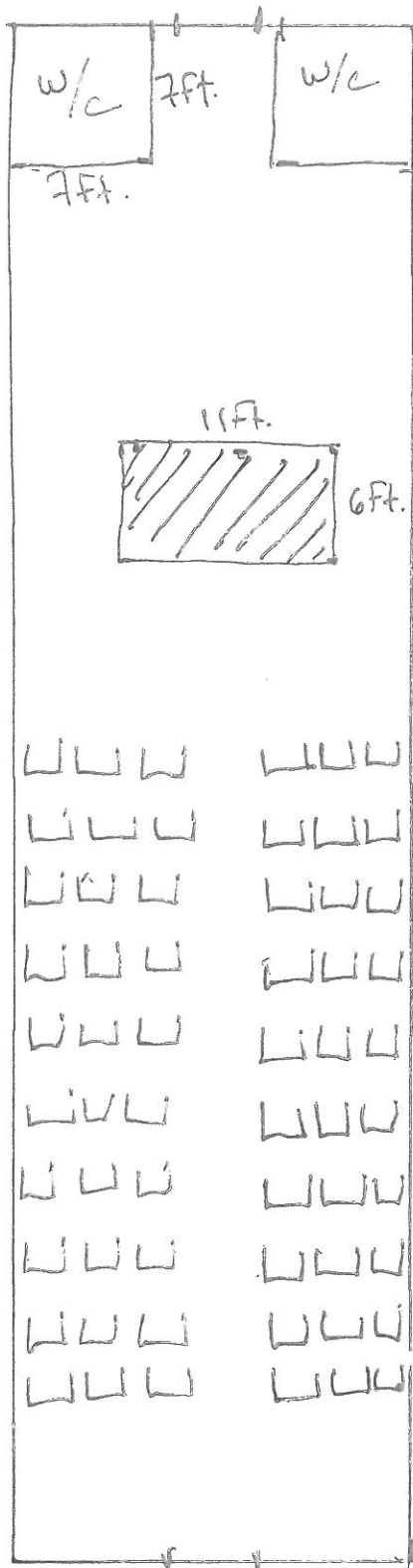
	Submitted	Waiver Requested	N/A	
32.	_____	_____	<u>✓</u>	Existing block and lot number(s) of the lot(s) to be developed as they appear on the municipal tax map.
33.	_____	_____	<u>✓</u>	Name and addresses of the owner or owners of record and the names and addresses of all property owners within 200 feet of the extreme limits of the tract.
34.	_____	_____	<u>✓</u>	Lot and block number of each bordering lot.
35.	_____	_____	<u>✓</u>	Municipal boundaries within 200 feet of the tract and the names of the adjoining municipalities.
36.	_____	_____	<u>✓</u>	Zoning district boundaries affecting the tract.
37.	_____	_____	<u>✓</u>	The location of any portion which is to be developed in relation to the entire tract.
38.	_____	_____	<u>✓</u>	Acreage of the tract to be developed to the nearest tenth of an acre.
39.	_____	_____	<u>✓</u>	Locations of all existing structures showing front, rear and side yard setback distances.
40.	_____	_____	<u>✓</u>	Indication of whether existing structures and uses will be retained or removed.
41.	_____	_____	<u>✓</u>	The location of all existing utility rights-of-way and easements.
42.	_____	_____	<u>✓</u>	The names, exact location and width along the property line of all existing streets, recorded streets, or streets shown on an official map or Master Plan of the Township within the tract and within 200 feet of it.
43.	_____	_____	<u>✓</u>	All existing watercourses, including lakes and ponds, and drainage right-of-way within the tract or within 200 feet thereof.
44.	_____	_____	<u>✓</u>	Unique natural features or historic sites or structures within the tract and within 200 feet thereof.
45.	_____	_____	<u>✓</u>	A sketch of the proposed layout or disposition of remaining land, if any.

NORTH BRUNSWICK CODE

	Submitted	Waiver Requested	N/A	
46.	_____	_____	<u>✓</u>	The location of all proposed buildings, structures, signs and lighting facilities, together with all dimensions necessary to confirm conformity to this chapter.
47.	_____	_____	<u>✓</u>	The location and design of any off-street parking areas or loading areas, showing size and location of bays, aisles and barriers.
48.	_____	_____	<u>✓</u>	All means of vehicular access and egress to and from the tract or site onto public streets, showing the size and location of driveways, curb cuts, traffic signs, signals, channelization, acceleration and deceleration lanes.
49.	_____	_____	<u>✓</u>	Letters from private utility company(ies) stating that service will be available for proposed use.
50.	_____	_____	<u>✓</u>	Environmental impact assessment.
51.	_____	_____	<u>✓</u>	Traffic impact report.



Seating Plan



80ft.

20.5ft.