



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

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

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Mr. Peter U. Lanfrit Esq.
Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl
2875 US Highway #1
North Brunswick, NJ 08902

FROM: Sal Profaci, Zoning Officer

DATE: December 12, 2022

SUBJECT: Block: 31 Lot(s): 3
Street Address: 1500 How Lane
Applicant: Mr. Rafael Gomez

Dear Mr. Lanfrit:

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:

- o 1-sheet copy of the property survey with the proposed location of the fence and shed, dated 10/18/2022 prepared by Brunswick West, Inc.

Administrative

1. The applicant proposes to install 6 ft. privacy fence in the required 40 ft. front yard setback along Hudson Drive. There is also an existing 10' by 12' metal shed also in the front yard setback which requires a variance.
2. The subject property is a corner lot located at the intersection of Hudson Drive and How Lane. The property has two front yards.
3. The subject property is a single-family dwelling located in the R-2 Residential Zoning District. Single-family use is a permitted use in the zone.

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)
Shed in Front Yard	40 ft.	10 ft.	V	§ 205-26.1(B) (1)

V = Variance

Technical

Variances:

1. **Fence in Front Yard, Height** – The applicant proposes to install a 6 ft. privacy fence in the required 40 ft. front yard setback along Hudson Drive, 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 install a 6 ft. privacy fence in the required 40 ft. front yard setback along Hudson Drive, 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.

3. **Accessory Buildings** – Detached accessory buildings shall be permitted in the rear yard only, except that the accessory buildings may be permitted in the side yard, provided that: The accessory building complies with the minimum required principal building setback from the side and front property lines. The shed is 10’ feet off the front yard property line along Hudson Avenue where 40’ feet is required (§ 205-26.1 B (1)). 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:

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 x 3 (Residential):	<u>\$300.00</u>
TOTAL:	\$350.00

Technical Review Escrow Deposit:

C Variance x 3 (Residential):	<u>\$350.00</u>
TOTAL:	\$700.00

Please remit two separate checks in the above total amounts. Once payment is received, 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,



Sal Profaci, Zoning Officer

Phone: 732-247-0922 x 207

Email: sprofaci@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: \$ _____
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 × 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 31 Lot(s) 3 Zone R-2
Property Location 1500 How Lane
Size of Property 0.23 acres / 10,018.8 sq. ft.

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

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain _____

Name: Rafael Gomez
Address: 223 Handy Street, New Brunswick, NJ 08901
Telephone: 732-354-5855 Fax: _____
Email: rafaelgomez125@hotmail.com

Owner (if different from Applicant):

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

Engineer:

Name: N/A
Address: _____
Telephone: _____ Fax: _____
Email: _____

Attorney:

Name: Peter U. Lanfrit, Esq., Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl, P.C.
Address: 2875 US Route One, North Brunswick, NJ 08902
Telephone: 732-422-1000 Fax: 732-422-1016
Email: peter@borrus.com & erin@borrus.com



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- 93A(1)(a)	4 ft. open fence	6 ft. solid fence (vinyl)



	Accessory structure permitted in rear yard only	Accessory structure proposed in front yard
§205- 26.1B	_____	_____
§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:



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: _____

Supply a statement of facts why relief can be granted without substantial detriment to the intent and purpose of the zone plan and zoning ordinance: _____



PART III

Has there been any previous application to any Township Board involving these premises?

YES NO

If yes, provide file number(s) and state the nature, date and disposition of said mater:

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: *Rafael Vaz* **Date:** _____

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: Rafael Gomez Date: _____

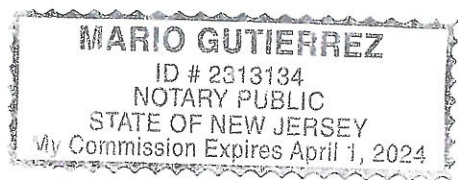
APPLICANT'S CERTIFICATION:

I, RAFAEL GOMEZ, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 223 HANDY ST. NEW BRUNSWICK, N.J. 08901 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.

Rafael Gomez
SIGNATURE

Sworn to and subscribed before me this 23 day of NOVEMBER, 2022

Mario Gutierrez
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, RAFAEL GOMEZ, of full age, being duly sworn according to law and upon my oath depose that: I reside at 223 HANDY ST. NEW BRUNSWICK NJ 08901 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) 31 and Lot(s) 3

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.

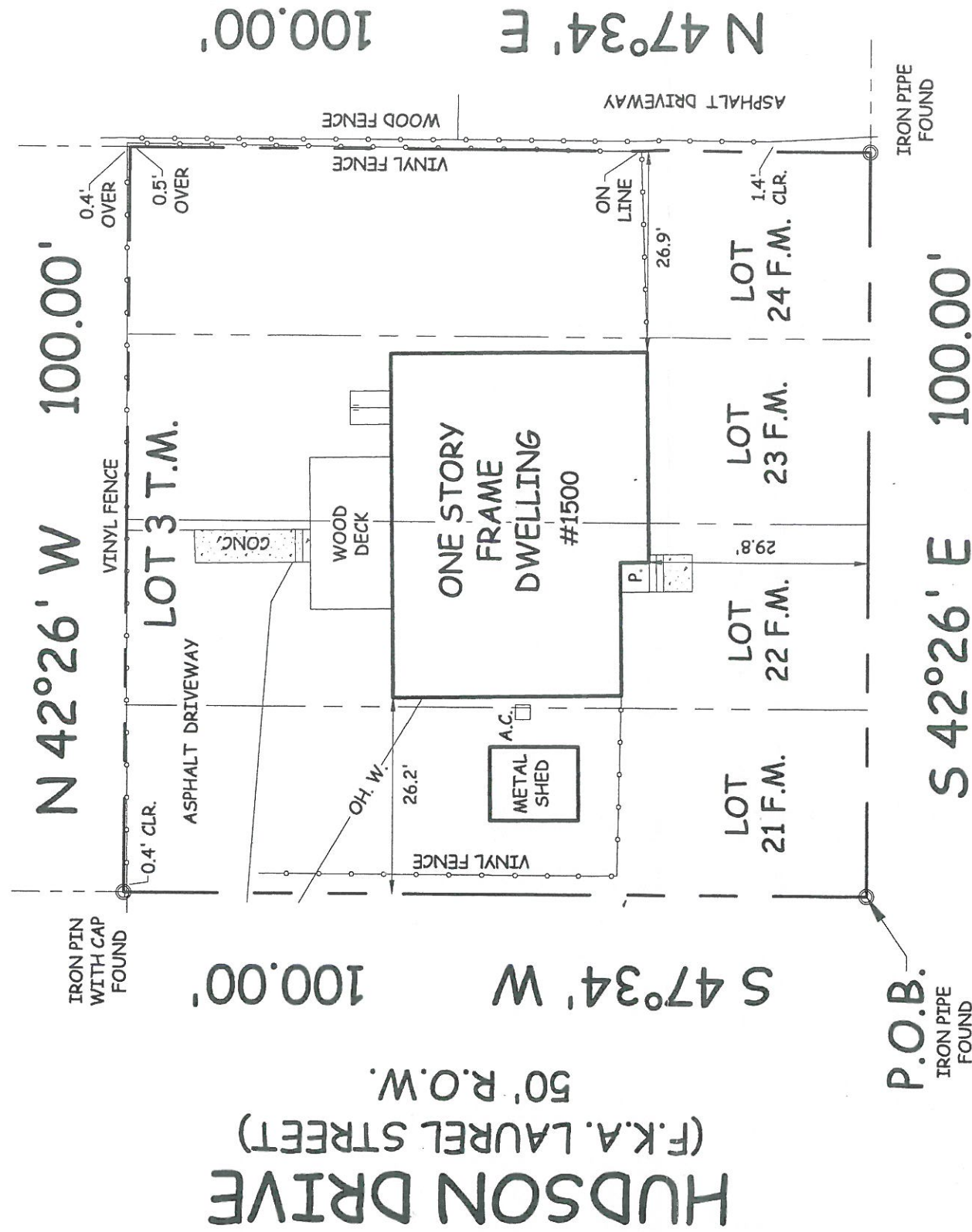
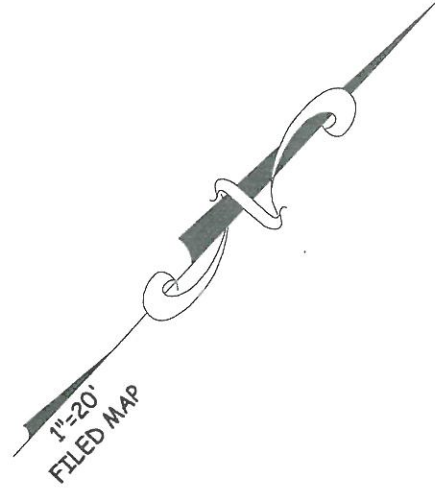
Rafael Lopez
SIGNATURE

Sworn to and subscribed before
me this 23 day of
NOVEMBER, 2022

Mario Gutierrez
NOTARY PUBLIC

MARIO GUTIERREZ
ID # 2313134
NOTARY PUBLIC
STATE OF NEW JERSEY
Commission Expires April 1, 2024

BLOCK 31 T.M.
BLOCK 313 F.M.



HUDSON DRIVE
(F.K.A. LAUREL STREET)
50' R.O.W.

HOW LANE
50' R.O.W.

REFERENCES:

MAP OF "ROSELAND TERRACE", FILED 1/14/1927,
MAP NO. 1167, FILE NO. 666; DEED BOOK 17901,
PAGE 509; TOWNSHIP OF NORTH BRUNSWICK TAX
MAP SHEET NO. 6

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).



BRUNSWICK WEST, INC.
LICENSED LAND SURVEYORS
219 1/2 SOUTH MAIN STREET
FLEMINGTON, NEW JERSEY 08822-1763
PHONE (908) 284-0888 FAX (908) 284-2818

PLAN OF SURVEY
RAFAEL GOMEZ
NORTH BRUNSWICK TOWNSHIP
MIDDLESEX COUNTY, NEW JERSEY
BLOCK 31, LOT 3

C.A. #246A28022700

Drawn by WBW Job No. 22.2107 Date 10/18/2022
Checked by HP Drawing No. SR Scale 1"=20'

I HEREBY CERTIFY THIS SURVEY TO:
RAFAEL GOMEZ

[Signature]

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