



For Office Use Only

Date Filed: _____ Appl. No.: _____

Appl. Fee: \$ _____ Escrow Deposit: \$ _____

Check One:

☐ Zoning Board of Adjustment

☐ 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 4.05 Lot(s) 122.02 Zone PUD - Planned Unit Development Zone
Property Location 2-4-6 Towne Center Drive
Size of Property 5.24 ac.

Present Use: ☐ Residential ☒ Non-Residential ☐ Vacant
Proposed Use: ☐ Residential ☒ Non-Residential Specify: Religious organization

CONTACTS:

Non-Profit

Applicant: ☒ Corporation ☐ Partnership ☐ Individual
☐ Other/Explain _____

Name: Gajanan Maharaj America Devotees Parivar

Address: 29 Lynn Court, North Brunswick, NJ 08902

Telephone: Rishi Mudgal 323-318-0392 & Seema Mudgal 310-356-4779 Fax: _____

Email: rishimudgal@yahoo.com & GMADP2018@gmail.com

Owner (if different from Applicant):

Name: Hidden Lake Towne Center, LLC

Address: 433 River Road, Highland Park, NJ 08904

Telephone: 732-846-5900 Fax: 732-253-8545

Email: _____

Engineer:

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

Attorney:

Name: James E. Stahl, Esq., of Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl, P.C.

Address: 2875 US Highway 1, North Brunswick, NJ 08902

Telephone: 732-422-1000 ext. 222 Fax: 732-422-1016

Email: Jstahl@borrus.com cc: dbelliveau@borrus.com



PART II

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

Use of existing two-story frame commercial building located at Block 4.05, Lot 122.02, as a religious organization/place of worship. Churches and places of worship are conditional uses in the PUD - Planned Unit Development Zone.

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:

No site improvements are proposed.

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- _____



§205-		
§205-		
§205-		
§205-		
§205-		
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§205-		
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§205-		

Identify Requested Design Waivers:

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

Use the existing two-story frame commercial building located at Block 4.05, Lot 122.02, as a



religious organization/place of worship. Churches and places of worship are conditional uses in the PUD - Planned Unit Development Zone. The proposed project presents an inherent and beneficial use in providing a location for a small community based religious organization/place of worship. 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: The proposed project presents an inherent and beneficial use in providing a location for a small community based religious organization/place of worship.

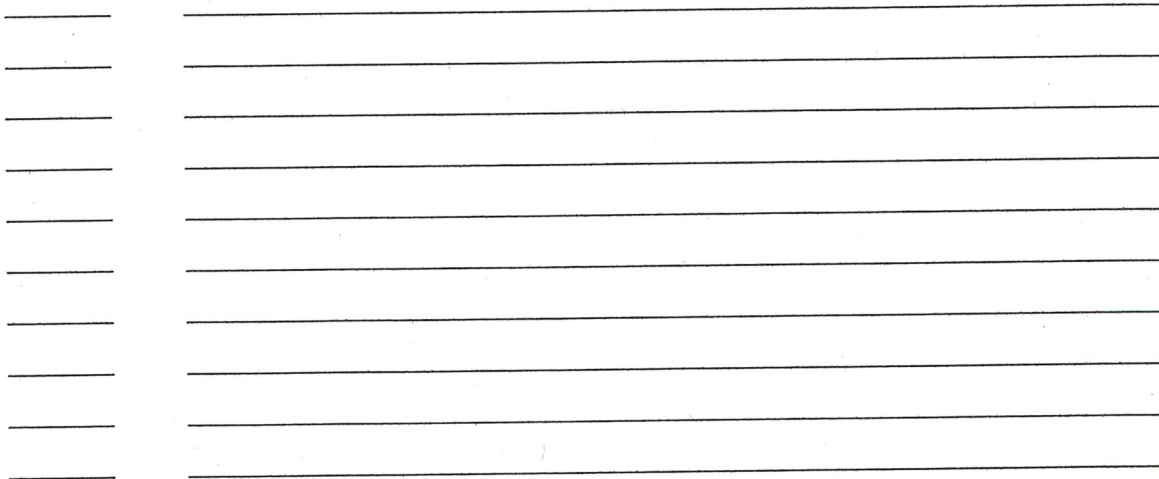
D Variance(s):

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: Use the existing two-story frame commercial building located at Block 4.05, Lot 122.02, as a religious organization/place of worship. Churches and places of worship are conditional uses in the PUD - Planned Unit Development Zone. The proposed project presents an inherent and beneficial use in providing a location for a small community based religious organization/place of worship.

C and D Variance(s):

Supply a statement of facts why relief can be granted without substantial detriment to the public good: An inherent and beneficial use in providing a location for a small community based religious organization/place of worship.

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: See above.



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: _____

12/12/2022



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: _____


Rishi Mudgal, Authorized Signatory

Date: _____

12/12/2022

Owner's Signature (if different from Applicant): _____

Date: _____

12/12/22



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: _____

Date: _____

12/12/22

APPLICANT'S CERTIFICATION:

I, Rishi Mudgal, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 29 Lynn Court, 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 12th day of

December, 20 22

Katherine J. Tobar-Munoz

NOTARY PUBLIC

SIGNATURE
Rishi Mudgal

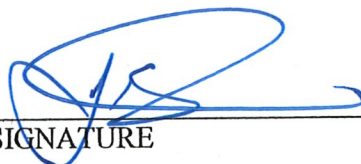
Katherine J. Tobar-Munoz
A Notary Public of New Jersey
My Commission Expires June 1, 2027

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, Jason Kaplan, of full age, being duly sworn according to law and upon my oath depose that: I reside at 433 River Road in the County of Middlesex and State of N.J., 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)
4.05 and Lot(s) 122.02,
and that I am either the applicant or I have authorized the applicant to make this application, and
I agree to be bound by the application, the representations made and the decision in the same
manner as if I were the applicant.


SIGNATURE

Sworn to and subscribed before
me this 12th day of
December, 20 22

Katherine J. Tobar-Munoz
NOTARY PUBLIC

Katherine J. Tobar-Munoz
A Notary Public of New Jersey
My Commission Expires June 1, 2027