



TOWNSHIP OF NORTH BRUNSWICK

710 HERMANN ROAD
NORTH BRUNSWICK, NJ 08902

Tel.: (732) 247-0922 x440

Website: WWW.NORTHBRUNSWICKNJ.GOV

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Mr. Chris & Christine Lustre
1370 East Peoria Place
North Brunswick, NJ 08902

FROM: Sal Profaci, Zoning Officer

DATE: August 25, 2023

SUBJECT: Block: 39 Lot: 3
Street Address: 1370 E Peoria Place
Applicant: Mr. Chris and Christine Lustre

Dear Mr. & Mrs. Lustre:

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

The following application materials were reviewed:

- 11 – sheet Township of North Brunswick (Variance Application Form C)
- 1-sheet drawing of the deck location depicted on the property survey dated January 22nd 1965, prepared by Raymond P. Wilson Associates.

Administrative

1. The applicant proposes to legitimize an existing 16 ft. by 20 ft. deck that was constructed without permits. The raised deck extends from the second story of the single-family residence. The deck encroaches into the rear yard setback; therefore, a Variance is required. The Township has issued both Zoning and Construction Violations.

2. The subject property is a single-family dwelling located in the R-3 Residential Zoning District, and a single-family dwelling is a permitted use, and decks are a permitted as an accessory use in the zone.
3. The property is approximately 8,104 sq. ft or .186 of an acre. The property is irregularly shaped thus creating a very narrow lot depth.

“C” Variance

4. Article IV. General Regulations (§ 205-26.1. (A) Accessory buildings and structures states as follows: An accessory building or structure attached to the principal building shall comply in all respects with yard requirements of this chapter for the principal building.
 - a. **Rear Yard Setback, Deck** – The applicant proposes to legitimize an existing second story raised deck in which one corner is located 3 ft. from the rear property line, and another corner is located 7 ft. from the rear property line. The different rear yard setback encroachments are due to the fact that the house is not parallel to the rear property line. The rear yard setback in the R-3 Zone is 20% of the lot depth of 100 feet. Therefore, the required rear yard setback would be 20 feet.

Applicant should justify the setback variance and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.

1. Miscellaneous:

- a. The applicant should provide a survey of their property that is to scale. 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:

- Original and 14 copies of the application form – Note pages 8 through 11 of the application have not been submitted. The original application must be certified on pages 10 & 11.
- 15 copies of dimensional drawings/pictures of the subject deck
- 3 copies of Tax and Assessment Payment Report
- W-9 form
- Required fees and escrow deposit (see below)

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:

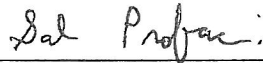
Zoning Report	\$ 50.00
C Variance (Residential):	<u>\$100.00</u>
TOTAL:	\$150.00

Technical Review Escrow Deposit:

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

Please remit two separate checks in the above total amounts. Upon submission of the above referenced item(s) and their review by this office for compliance with the Land Use Ordinance, 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,

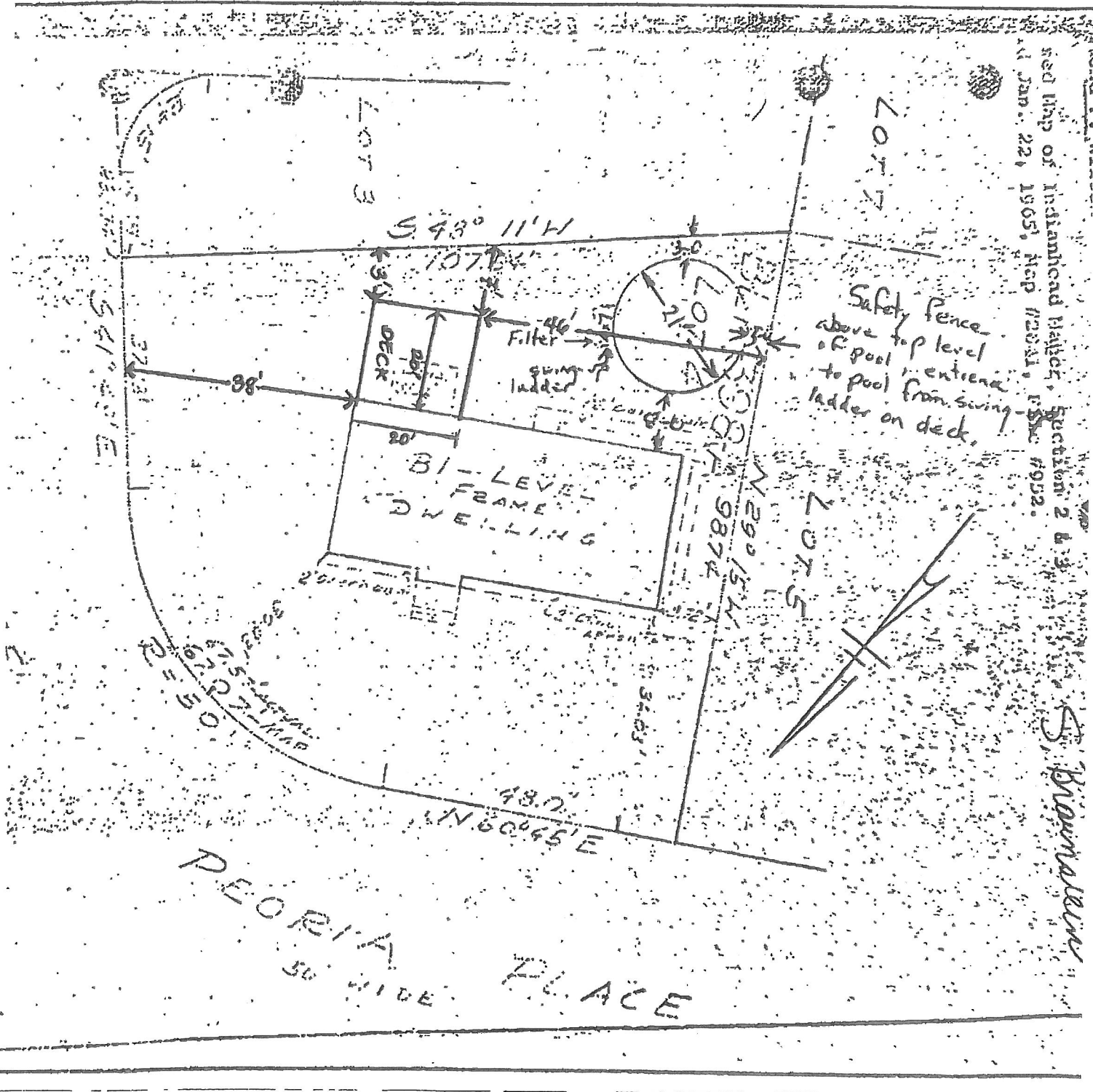


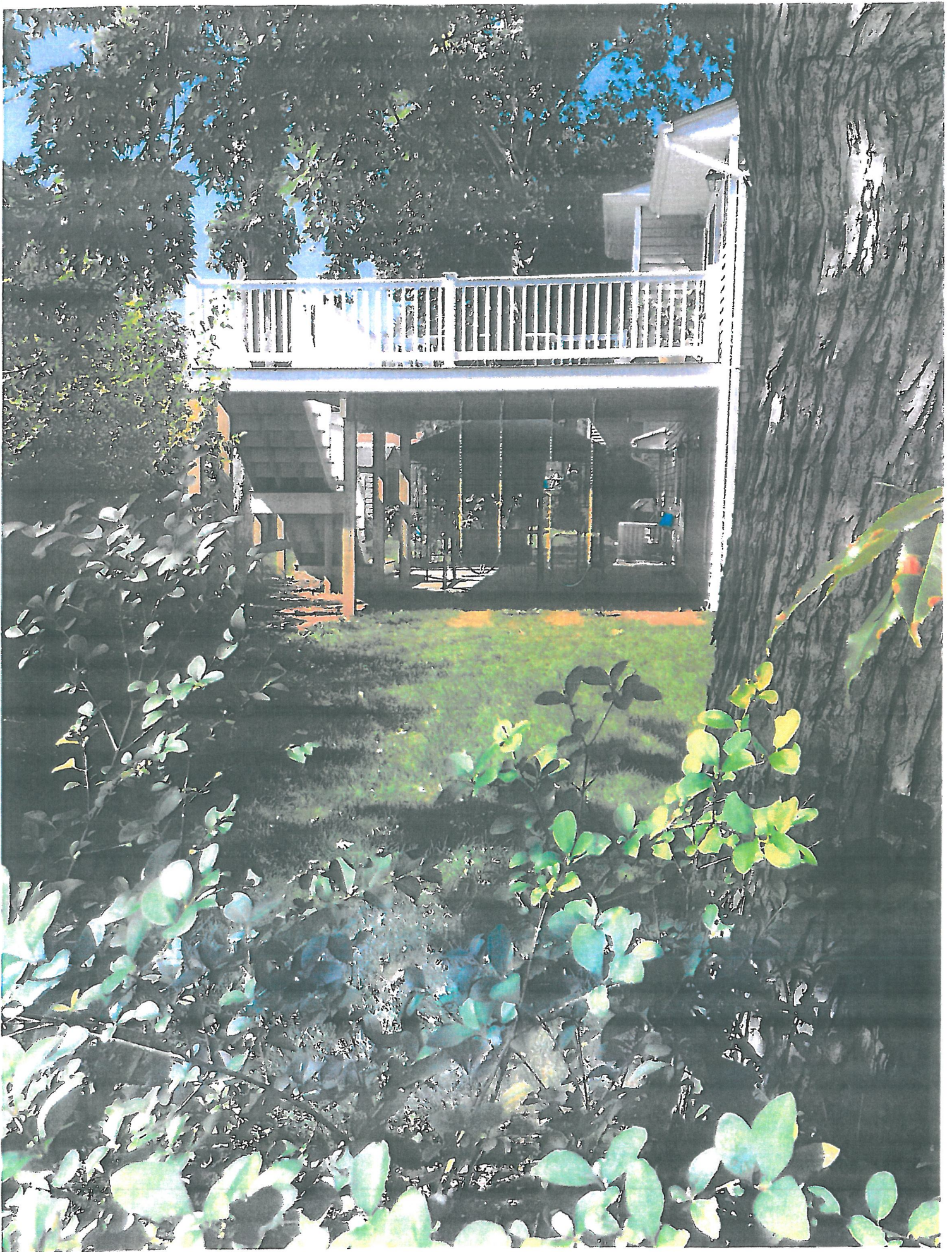
Sal Profaci, Zoning Officer
Phone: 732-247-0922 x 207
Email: Sprofaci@northbrunswicknj.gov

c: Mayor and Council
Michael Hritz, Director of Community Development
Tom Vigna, Planner
Zoning Board of Adjustment

Red Map of Indianhead Harbor, Section 2 & 3
Jan. 22, 1965, Map #2041, U.S. #952.

S. Braunstein









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 39 Lot(s) 3 Zone R-3
Property Location 1370 E Peoria Place, North Brunswick, NJ
Size of Property 50 x 100

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

CONTACTS:

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

Name: Chris Lustre
Address: 1370 E Peoria Place, North Brunswick, NJ
Telephone: 848-213-0530 Fax: _____
Email: clustre.md@gmail.com

Owner (if different from Applicant):

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

Engineer:

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

Attorney:

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



PART II

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

16x16 deck construction with a stairway
ending 3' from rear property line.

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): C - Variance Hardship

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- C R 3501

Proposed Deviation:
Distance of stairs from
property line



§205-		
§205-		
§205-		
§205-		
§205-	N/A	
§205-		
§205-		
§205-		
§205-		
§205-		
§205-		
§205-		
§205-		

Identify Requested Design Waivers:

Ordinance Section:	Requirement:	Proposed Deviation:
§205-		
§205-		
§205-		
§205-	N/A	
§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:

This is a hardship provision we are looking to



obtain. Due to the irregular shape of our property we are unable to conform to the 10' set back. The deck will be within and/or our building envelope, but the stairs come to 8' from the rear line.

☐ 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: The deck and stairs are in our backyard.

The stairs in question face a windowless side of adjoining property owner's home and in no way interfere with their property and no obstructions are there.

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 stairs do not allow for any type of danger or obstruction. nor do they interfere in any way with the adjoining property.



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:

BA - 2023815 - Building Department - Building Permit
7/2023 - Approved

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:

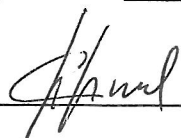
Quantity:	Description of Item:
<u>1</u>	<u>Survey</u>
<u>1</u>	<u>Survey with structure drawn in</u>
<u>1</u>	<u>Building Permit</u>
<u>1</u>	<u>Deck Detail Plan</u>
	<u>Pictures</u>
<u>1</u>	<u>Letter to Cronins - 1214 E. Peoria Place</u>



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: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____

Applicant's Signature:  Date: SEPT 21, 2023



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: SEPT. 21, 2023

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: [Signature] Date: SEPT. 21, 2023

APPLICANT'S CERTIFICATION:

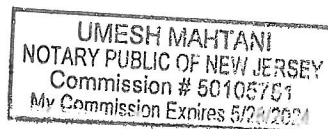
I, CHRIS LUSTRE, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 1370 PEORIA PLACE NORTH BRUNSWICK NJ 08902 in the County of MIDDLESEX and State of NEW JERSEY, and that the above statements contained in this application and in the papers appended thereto are 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

Sworn to and subscribed before
me this 21 day of

Sept., 20 23

[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, CHRIS LUSTRE, of full age, being duly sworn according to law and upon my oath depose that: I reside at 1370 PEORIA PLACE NORTH BRUNSWICK NJ. 08902 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



