



RAINONE
COUGHLIN
MINCHELLO
ATTORNEYS AT LAW

Louis N. Rainone
Craig J. Coughlin*
David L. Minchello
Ronald H. Gordon
Carol A. Berlen
John F. Gillick
Brian P. Trelease*
Claudia Marchese
Matthew R. Tavares*
Sapana Shah*^Δ
Michael R. Burns⁺
Christopher D. Zingaro
John P. Harrington

Edward Ruane
Thomas Schoendorf
Nahimot A. Adedimeji*
Frank J. Dvevoich*
Lonnie J. Hinton, Jr.
Harlyne A. Lack*
Aaron L. Rainone
Michael M. Wuest
Scott A. Aitken, Jr.
Allan Zhang*

* Also admitted in New York

^Δ Also admitted in DC

⁺ Also admitted in Pennsylvania

RGordon@NJRCMLAW.com

February 29, 2024

Via Regular Mail and Certified Mail-R.R.R.

Frank W. and Carole A. Dorsey
937 Hermann Road
North Brunswick, New Jersey 08902

Re: 937 Hermann Road, North Brunswick Township, New Jersey

Dear Sir/Madam:

Please be advised this office is legal counsel to the Township of North Brunswick and I serve as the Township Attorney. In that capacity, I have been advised by the Construction Official for the Township of North Brunswick that the construction at 937 Hermann Road, North Brunswick, New Jersey has failed a number of inspections.

The attached Inspection Activity Reports shows that the Construction Official's inspections of the property resulted in failures of both the foundation and footings. The most recent Construction Official inspection took place on February 24, 2024. The Construction Official's comments note that the foundation was not constructed as per the approved plan as of the February 24, 2024 inspection. Since that time, there has been no construction activity and the property contains an unsafe structure(s) in violation of the applicable construction codes.

In accordance with provisions of the N.J.A.C. §5:23-2.16(b), please take notice that the construction permits issued for this property are hereby suspended. That code provision provides:

www.njrcmlaw.com

555 U.S. Highway One South
Suite 440
Iselin, New Jersey 08830

Tel: (732) 709-4182
Fax: (732) 791-1555

Frank W. and Carole A. Dorsey
February 29, 2024
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Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within 12 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing work.

The authorized work on this project has been abandoned for a period in excess of six (6) months and in accordance with the Administrative Code regulation the permits previously issued are hereby suspended. Any construction activities will require new applications for construction permits to be issued for this subject property.

Please take notice that no further construction activities are permitted at this site. Please be guided accordingly.

PLEASE TAKE FORMAL NOTICE that the subject property located at 937 Hermann Road, North Brunswick, New Jersey is an unsafe structure. Attached is a Notice and Order to Pay Penalty based on an inspection of the subject property on February 22, 2024. You must immediately seek new building permits to address the unsafe structure and proceed with construction. Failure to obtain the building permits within 15 days and begin construction within 30 days will result in the Township issuing an Order to remove the foundation, backfill the property and restore the subject property to its natural state within an additional 15 days or the Township of North Brunswick will exercise its emergency powers and complete the necessary activities to remediate the unsafe structure violation at your cost and expense which will be collectible as a lien against the property in the same manner as real estate taxes.

The choice is yours. You can either take the appropriate actions to remedy the unsafe structure on your property or the Township will take those actions under its emergency powers at your cost and expense and lien the property. If it becomes necessary for North Brunswick to obtain any Superior Court of New Jersey order, the Township of North Brunswick will seek to hold you liable for any and all costs and attorney fees incurred by the Township as a result of your failure to live up to your obligations.

Very truly yours,

RAINONE COUGHLIN MINCHELLO, LLC

By: 
Ronald H. Gordon, Esq.

RHG/rmn
Enclosures

cc: Tom Paun, Construction Official, Township of North Brunswick *(via email)*
Michael Hritz, Director, Community Development, Township of North Brunswick *(via email)*



NOTICE AND ORDER OF PENALTY

Permit/Control #:
Date Issued: 2/22/2024
Violation #: V-24-00013

IDENTIFICATION

Work Site Location: 937 HERMANN ROAD , NJ
Block: 128 Lot: 33 Qualification Code:
Owner in Fee: DORSEY FRANK W & CAROLE A
Owner Address: 24 HAMPTON GARDENS MIDDLESEX NJ 08846
Agent/Contractor:
Address:
To: [] Owner [] Other:
[] Agent/Contractor

ACTION

- [X] On 2/22/2024, you were found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder. A [] Notice of Violation and Order to Terminate, [X] Notice of Unsafe Structure, [] Notice of Imminent Hazard was issued. Reinspection of the work site on ... revealed the following violation(s) remain: NJAC 5:23-2.32 - UNSAFE STRUCTURES LOT IS BLIGHTED CONDITION / DISREPAIR V-21-00082, Notice Date: 2/9/2022 NJAC 5:23-2.32 - UNSAFE STRUCTURES V-24-00011, Notice Date: 1/31/2024 NJAC 5:23-2.32 - UNSAFE STRUCTURES
[] On ..., you were found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder, in that you [] made a false or misleading written statement, or omitted required required information in an application or request for approval; or [] failed to obtain a construction permit; or [] failed to request required inspections; or [] allowed occupancy prior to receiving a certificate of occupancy.
[] On ..., you were found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder. A Stop Construction Order was issued. Reinspection of the work site on ... revealed a failure to comply with that Stop Construction Order.

PENALTY

Therefore, you are hereby ORDERED to pay a penalty in the amount of \$2,000.00 for each violation for a total penalty of \$2,000.00.

Further, take NOTICE that for each [X] week [] day that any of the said violations remain outstanding after 3/1/2024 an additional penalty of \$1,000.00 per [X] week [] day shall result

If you wish to contest this ORDER, you may request a hearing before the Construction Board of Appeals of the MIDDLESEX COUNTY within 15 days of receipt of this ORDER as provided by N.J.A.C. 5:23 A-2.1. The Application of the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the permit number, the specific sections of the Regulations in question, and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and the nature of the relief sought by you. You may also append any documents that you consider useful

The fee for an appeal is \$100.00 and should be forwarded with your application to the Construction Board of Appeals Office at: CONSTRUCTION BOARD OF APPEALS JFK SQUARE, Room 203 NEW BRUNSWICK, NJ 08901

If you have any questions concerning this matter, please call: (732) 247-0922 x450

NOTICE and ORDER of PENALTY: [Signature: Tomas Paun] Construction Official Date: 2/21/24



North Brunswick Township
710 Hermann Road
North Brunswick, NJ 08902

Permit/Control #: _____
Permit Issued Date: _____
Violation #: V-24-00013
Date Issued: 2/22/2024

APPLICATION TO CONSTRUCTION BOARD OF APPEALS

DATE OF INSPECTION: 2/22/2024 APPEAL APPLICATION DATE: _____

IDENTIFICATION

Work Site Location: 937 HERMANN ROAD , NJ
Block: 128 Lot: 33 Qualification Code: _____
Owner in Fee: DORSEY FRANK W & CAROLE A
Owner Address: 24 HAMPTON GARDENS MIDDLESEX NJ 08846
Agent/Contractor: _____
Address: _____

APPLICANT STATEMENT

Specific Section(s) of the regulation in question:
LOT IS BLIGHTED CONDITION / DISREPAIR

Briefly state your position in this matter and explain the nature of the relief you seek.

The Construction Board of Appeals has 10 business days following the submission of the appeal to make a decision pursuant to N.J.A.C. 5.23-2.37(s)

Fee: \$ _____
 Paid Check No.: _____
Collected By _____
Signed: _____ Date: _____
Applicant

(Application will not be considered complete unless accompanied by the appeal fee. Fee shall be waived when appeal is based on failure of agency to act within a specified time frame.)



North Brunswick Township
 710 Hermann Road
 North Brunswick, NJ 08902

Construction Violation

Identification

Work Site Location: 937 HERMANN ROAD , NJ
 Block: 128
 Lot: 33
 Owner: DORSEY FRANK W & CAROLE A
 Owner Address: 24 HAMPTON GARDENS MIDDLESEX NJ 08846
 Telephone: (732) 322-0853
 Agent:
 Agent Address:
 Telephone:

Infraction Details

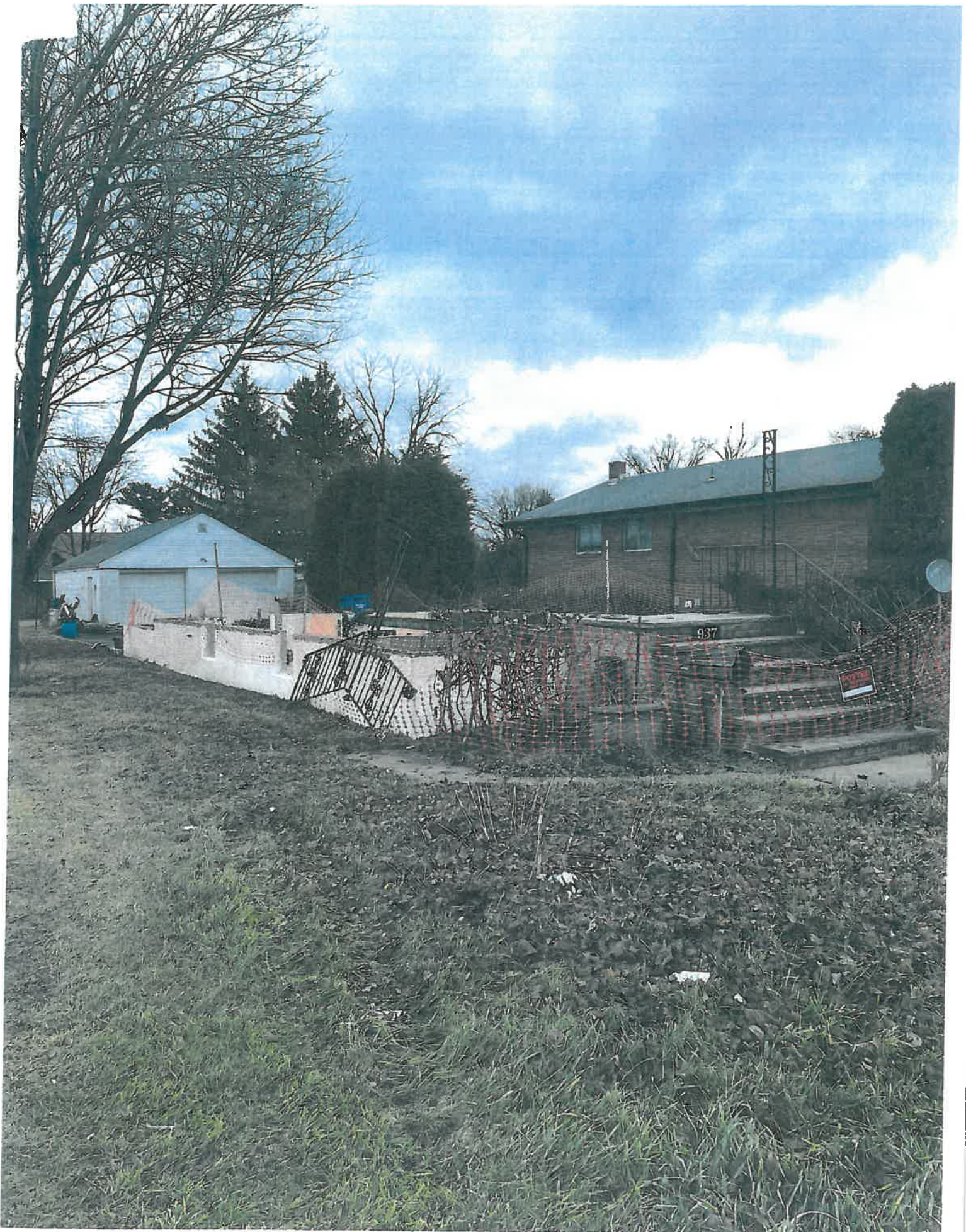
Tracking: V-24-00013
 Subcode: Building
 Issuing Officer: Tom Paun Telephone:
 Issue Date: 2/22/2024
 Infraction: Notice and Order of Penalty
 Statute: CABO Model Energy Code / 1995 (Residential) and ASHRAE 90.1-1999 (Commercial) NJAC 5:23-2.32 - UNSAFE STRUCTURES
 Infraction Summary: LOT IS BLIGHTED CONDITION / DISREPAIR
 Certified Mail Number:

Enforcement Details

Inspection Date: 2/22/2024
 Notice Date: 2/22/2024
 Compliance Date: 2/23/2024
 Compliance Inspection Date:
 Compliance Summary:

Fines Details

Total Due:	\$2,000.00
Total Paid:	\$0.00
Total Owed:	\$2,000.00



937 Hermann

5:23-2.17 Demolition or removal of structures; abandoned wells

(a) Service connections: Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until releases are obtained from all utilities that provided service to the property, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

(b) Abandoned wells:

1. In the event that there is a well on the property that has been abandoned, or that will be abandoned in conjunction with the proposed demolition, a permit to demolish or remove a structure on that property shall not be issued until a certification has been obtained from a well driller licensed by the Department of Environmental Protection indicating that the well has been sealed in accordance with N.J.A.C. 7:9-9. If such certification is not presented within 15 days of the application for the permit, the construction official shall give notice of the absence of such certification to the Bureau of Water Allocation, Department of Environmental Protection, PO Box 029, Trenton, NJ 08625-0029.

2. Notice shall also be given by the construction official to the Bureau of Water Allocation in the event of any demolition activity found to have been undertaken without a permit at a building or premises currently or previously served by a well and in any other case in which no permit application for demolition has been made but the construction official becomes aware that a well has been, or is about to be, abandoned without having been sealed by a licensed well driller.

(c) Notice to adjoining owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the demolition or removal of a building or structure.

(d) Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of the appropriate subcodes.

(e) Asbestos abatement: Before a structure can be demolished or removed, the owner or agent shall document that the requirements of USEPA 40 CFR 61 subpart M have been or shall be met. A permit to demolish or remove the structure shall not be issued until the owner or agent notifies the enforcing agency that all friable asbestos or asbestos-containing

material that will become friable during demolition or removal has been or will be properly abated prior to demolition.

Amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(a).

Amended by R.1997 d.409, effective October 6, 1997.

See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Amended by R.1998 d.36, effective January 5, 1998.

See: 29 N.J.R. 4214(a), 30 N.J.R. 193(a).

Added (b); and recodified existing (b) through (d) as (c) through (e).

5:23-2.17A Minor work

(a) The issuance of a permit shall not be required before minor work may proceed. The owner, or an architect or contractor acting on behalf of the owner, shall, however, provide notice of the work to the enforcing agency before work begins.

(b) Notice of work; application:

1. Notice of minor work shall be oral or written and submitted in person or electronically to local enforcement agency and shall be given before work commences. Notice shall include a brief summary and the location of the work to be performed. Such notice shall be consent for the enforcing agency to enter and inspect in the same manner a permit application is consent.

2. In addition to the notice, the owner or his or her agent shall be required to file a permit application. The completed permit application shall be delivered in person or by mail to the enforcing agency, within five business days from the date of the notice. The fee shall be paid prior to the issuance of the construction permit.

(c) Minor work:

1. Minor work shall mean and include:

i. The construction or total replacement of any porch or stoop that does not provide structural support for any roof or portion of a building;

ii. Renovation or alteration work in an existing one or two-family dwelling, provided that no primary structural members are altered in any way, and further provided that the work does not constitute reconstruction; and

iii. Repair or replacement with no reconfiguration of space of any non-structural component such as a partition in structures other than one- and two-family dwellings; or

iv. Repair and/or renovation work in a Group B, Group F, Group M, or Group S occupancy performed in accordance with N.J.A.C. 5:23-6, but shall not include work categorized as ordinary maintenance pursuant to N.J.A.C. 5:23-2.7.