

## 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. Vivek Pathak

1815 Arlington Avenue

North Brunswick, NJ 08902

FROM:

Sal Profaci, Zoning Officer

DATE:

March 20, 2024

SUBJECT:

Block: 17 Lot: 118

Street Address: 1815 Arlington Avenue

Applicant: Mr. Vivek Pathak

#### Dear Mr. Pathak:

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, dated 2/29/2024 prepared by Raymond L. Holmes, Jr., PLS, PP.

#### **Administrative**

- 1. The applicant proposes to install a 6 ft. privacy fence in the required 35 ft. front yard setback along Orchard Street.
- 2. The subject property is a corner lot located at the intersection of Orchard Street and Arlington Avenue. The property has two front yards.
- 3. The subject property is a single-family dwelling located in the R-3 Residential Zoning District. Single-family use is a permitted use in the zone (Figures 1 & 2).

- 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		6 ft.	V	§ 205-93 (A) (1) (a)
Fence in Front Yard, Type	Open-type	Solid	V	§ 205-93 (A) (1) (a)

V = Variance

#### **Technical**

### Variances:

- 1. Fence in Front Yard, Height The applicant proposes to install a 6 ft. privacy fence in the required 35 ft. front yard setback along Orchard Street, 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 35 ft. front yard setback along Orchard Street, 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.

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:

- Certified List of Property Owners within 200 feet.
- 3 copies of Tax and Assessment Payment Report.
- W-9 form.

\*1

# 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 (Residential):	\$50.00
C Variance (Residential):	\$100.00
TOTAL:	\$150.00
Technical Review Escrow Deposit:	
C Variance (Residential):	\$350.00
TOTAL:	\$350.00

Please remit two separate checks in the above total amounts along with the above-referenced item(s). Upon the submission of the requested materials and their review, 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,

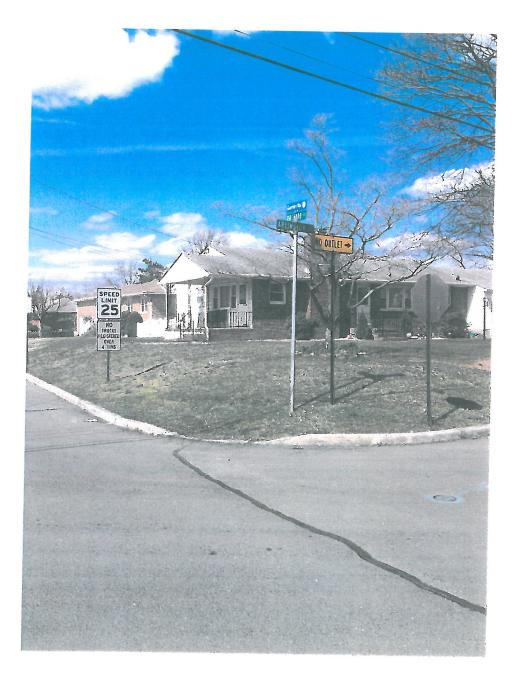
Sal Profaci, Zoning Officer

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

3









	For Office Use Only	
Date Filed:	Appl. No.:	
Appl. Fee: \$	Escrow Deposit: \$	
	Check One:	
☐ Zoning Board of Adjustn	nent	
Planning Board		

#### 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.

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#### PART I

# **SUBJECT PROPERTY:** Block 17 Lot(s) 118 Zone Property Location 1815 ARINGTON AVE, NORTH BRUNGWICK NI Size of Property 10,000 S.F. of .23 of An Acre Present Use: Residential Non-Residential Vacant Residential Non-Residential Specify: Proposed Use: **CONTACTS:** ☐ Corporation ☐ Partnership ☐ Individual Applicant: Other/Explain PATHAK Address: 1815 ARLINGTON AVE, NORTH BRUNSWICK, NJ 08902 Telephone: +1 (848) 391-8043 Fax: Email: vivek 4390 (D) Gmail Com Owner (if different from Applicant): Name: Address: Telephone: Email: Engineer: Name: Address: Telephone: Email: Attorney: Name: Address: Telephone:

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Email:



#### PART I

## **SUBJECT PROPERTY:** Lot(s) Zone Zone Property Location 1815 ARLINGTON AVE, NORTH BRUNGWICK, NJ Size of Property \_\_\_ Residential Non-Residential Vacant Present Use: Residential Non-Residential Specify: **Proposed Use: CONTACTS:** ☐ Corporation ☐ Partnership ☐ Individual Applicant: Other/Explain\_ PATHAK Name: VIVEK Address: 1815 ARLINGTON AVE, NORTH BRUNSWICK, NJ 08902 Telephone: +1 (848) 391-8043 Fax: Email: vivek 4390 (2) Comail. com Owner (if different from Applicant): Name: Telephone: \_ Fax: Email: Engineer: Name: Address: Telephone: Fax: Email: Attorney: Name: Telephone:

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Email:



## PART II

Describe the Proposed Development/Request (continue on a separate sheet if necessary):
I am Whitting this variance to Request
Orphora for installation of 6-Foot Philary
fence on the Orchard Street Side of my
Property. Installation of Lence will enough
not to be on or begond "Site Priangle
Essenent" Per my Proporty Survey. I reg vert
these fence for the Safety of my kids as
they am Piay indipendently on my Propert
The part of the part
Application is for a c(2) variance for a Six(6) foothigh solid Fence in orchard street Front yard are
VARIANCE(S) REQUESTED (Check all that apply):  Z "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.

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□ D(6) - Height of a principal structure exceeds by 10 feet or 10% the maximum height

 $\Box$  D(5) - Increase in the permitted density.

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 sit waiver request. Such request may be considered by acknowledgment by the Board that the condition requirements of Chapter 205. No site plan waiver wais not satisfactory in such matters as traffic, circular coverage, safety, landscaping, buffer, fire safety, not	the Board, and, if granted, will constitute an of the property is satisfactory and meets the vill be granted if the condition of the property ation, access, parking, lighting, setbacks, lot
Is a site plan waiver requested?	□ YES ⋈NO
☐ If a site plan waiver is sought, explain why the rec	quest shall be granted:
Is the application proposed to be bifurcated?	□ YES NO
If bifurcated, identify the nature of subsequen	t development approvals to be sought:
Identify Requested Variances:	
Ordinance Section: Requirement:  3205-93 A(1)9 4 ft. open fence	Proposed Deviation:  6 ft. Solid fence

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Identify Requested Design Waivers:  Ordinance Section: Requirement:	
\$205	Proposed Deviation:
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'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 conform	
eference to exceptional narrowness, shallowne	
opographic conditions or physical features unique	
xceptional situations uniquely affecting the prope	erty or the structures lawfully existing thereon:

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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 applican	
undue hardship and/or how the proposed project carries out a purpose of zoning as define	
N.J.S. 40:55D-2. Detail your argument for 1) how the proposed use inherently serves the pu	
good, and/or 2) why the property cannot reasonably be adapted to a conforming use, and/o	
what unique characteristics of the site make it particularly appropriate for the proposed use ra	ther
than a permitted use:	
C and D Variance(s):	
Supply a statement of facts why relief can be granted without substantial detriment to the pub	blic
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from Site things Eosenest Line por my	5
Proporty Survey.	
supply a statement of facts why relief can be granted without substantial detriment to the interest of the int	ent
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## PART III

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If yes, pr	ovide file	number(s)	and	state	the	☐ Y]			NO disposition	of	said	mater:
Is public w	vater availa	ble?				X YE	ES		J NO			
If no, how	will water s	ervice be su	pplie	d?						•		
Is public se	ewer availa	ble?				M YE	ES		l NO			
If no, provi	de proposed	d method of	sewa	ige di	sposa	d:						
Are there	any existing	deed restr	ictio	ns, ea	sem	ents or c	oven	ants?				
						📜 YE	ES		NO			
If yes, are c	opies provi	ded?				Z YE	S		NO			
Are any de	ed restricti	ons, easem	ents e	or cov	enai	nts cont	empla	ited?				
						XYE	S		NO			
If yes, are co	opies provi	ded?				Z YE	S		NO			
Does the ov	vner own o	r have any	owne	ership	inte	erest in a	any co	ontig	uous proper	ty?		
						☐ YE	S	卤	NO			
f yes, provi	de type of o	wnership, a	ddres	ss, blo	ck a	nd lot(s)	:					
IST OF P	LANS, RE	PORTS AN	D O	THE	R ML	ATERIA	ALS S	UBM	IITTED:			
Quantity:	Descripti		,									
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Secretary Company of the Company of	
<b>****</b>	
DISCLOSUI	RE 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 mo	ore lots, or applying for a variance to construct a multiple dwelling of 25 or more
family units o	r for approval of a site to be used for commercial purposes shall list the names and
addresses of a	ll stockholders or individual partners owning at least 10% of its stocks of any class
	% of the interest in the partnership, as the case may be, as required by N.J.S.A.
	Applications which do not comply with N.J.S.A. 40:55D-48.1 et seq. will be
deemed incom	
Name:	Address:
pplicant's Si	gnature: Date:

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#### **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: 12MAR2021
Owner's Signature (if different from Applicant): Date:
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pplicant): \_\_\_\_\_\_ Date: \_\_\_\_\_\_
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## 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: 13 MAR 2024  APPLICANT'S CERTIFICATION:
I, VIVEK ATHALL, of full age, being duly sworn according to law and upon
my oath, depose that: I reside at 1815 ARLINGTON AVE 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
ne this 18th day of 1972 and 1
MOTARY PUBLIC  UMESH MAHTANI Notary Public, State of New Jersey Comm. # 50105751  My Commission Expires 5/28/2024
WHER'S CERTIFICATION (If the owner is a corporation, this section must be signed
y an authorized corporate officer. If the owner is a partnership, this section must be
igned by a general partner):
v oath denose that: I reside at 18/15 All 721/1524 Arcs.
y oath depose that: I reside at 1415 ARLANGTON AVE in the
ounty of Middlesex and State of NEW JERSEY,
ad that the above statements contained in this application and in the papers appended thereto are
ie. I further certify that I am the owner in fee of all that certain lot piece or parcel of land

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situated, lying, and being in the municipality aforesaid, and	known and designated as Block(s)
and Lot(s)	118
and that I am either the applicant or I have authorized the appl	licant to make this application, and
I agree to be bound by the application, the representations n	nade and the decision in the same
manner as if I were the applicant.	/

Sworn to and subscribed before me this 13h day of Mach, 20 24

