



**TOWNSHIP OF NORTH BRUNSWICK**

710 HERMANN ROAD  
NORTH BRUNSWICK, NJ 08902

Tel.: (732) 247-0922 x440

Website: [WWW.NORTHBRUNSWICKNJ.GOV](http://WWW.NORTHBRUNSWICKNJ.GOV)

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**MEMORANDUM**

**TO:** Mr. Dominic Cerminaro, Esq.  
Cerminaro & Associates  
707 Raritan Avenue  
Highland Park, NJ 08904

**FROM:** Sal Profaci, Zoning Officer

**DATE:** April 30, 2024

**SUBJECT:** Block: 201 Lot: 9  
Street Address: 576 Second Avenue, North Brunswick, NJ 08902  
Applicant: Builders Pro LLC  
36 Clive Hills Road  
Edison, NJ 08902

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Dear Mr. Cerminaro:

I have reviewed the land use application to construct a single-family dwelling on an undersized corner lot in the R-4 Zoning District, and have determined that your client must appear before the North Brunswick Zoning Board of Adjustment for land use approvals including C bulk variances. I am issuing the following report.

The following application materials were reviewed:

- o 11-Sheet Township of North Brunswick (Variance Application Form C) dated 4/23/2024.
- o 1-Page Plot & Grading Plan prepared by Fletcher Engineering dated 4/23/2024.

**Administrative**

1. The applicant proposes to construct a single-family dwelling on an existing vacant 50' by 100' undersized non-conforming corner lot in the R-4 Single Family Residential Zone. The

home will be approximately 2,220 sf and will have an attached single car garage and a twelve (12) foot wide driveway. The new home will be a two-story with a basement and have overall dimensions of 30' by 42'.

“C” Variances

- 2. A number of bulk variance requests are incorporated into the application. The existing lot is undersized having 5,000 SF in lot area where 9,000 SF is required. The proposed lot will have 50 ft of frontage along Second Avenue where 100 ft is required.

Chapter 205-26 Front yards on corner lots states as follows: All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone for both intersecting streets, for both principal and accessory buildings and structures, and the remaining yards shall be considered side yards for the purposes of this chapter. Due to the lot being a corner lot, the yard facing on Center Street shall be considered a front yard. The applicant is requesting a variance from the required front yard set-back on Second Street. Thirty (30) feet is required where ten (10) feet is proposed.

Article II – Section 205-4.1A.  
Schedule of Area, yard and building requirements  
Table 1 – R-4 Zone:

Minimum Lot Requirements

Minimum Lot Area – 9,000 SF	Proposed * 5,000 SF
Required Lot Width – 90 feet	Proposed * 50 feet
Front Yard Set-Back (Center Street) – 30 ft	Proposed * 10 feet

**\*Variances Requested**

The applicant should justify these variances and provide testimony to satisfy the C-1 (hardship) and/or C-2 (advancement) criteria to meet the Municipal Land Use Law definition for the “C” variance.

Subject Property / Character of the Neighborhood

- 3. The subject property is situated on Block 201, Lot 9 on 576 Second Avenue. The subject property is bound by residential uses. There are eleven undersized lots along both Second and Third Avenue.

Miscellaneous

The Township reserves the right to further comment based upon the testimony at the public hearing.

Completeness

1. 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:**

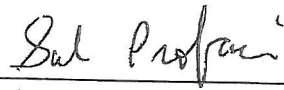
Zoning Report	\$ 200.00
C Variances (\$100 each) X 3:	<u>\$ 300.00</u>
<b>TOTAL:</b>	<b>\$ 500.00</b>

**Technical Review Escrow Deposit:**

C Variances (\$350 each) X 3:	<u>\$1,050.00</u>
<b>TOTAL:</b>	<b>\$1,550.00</b>

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.

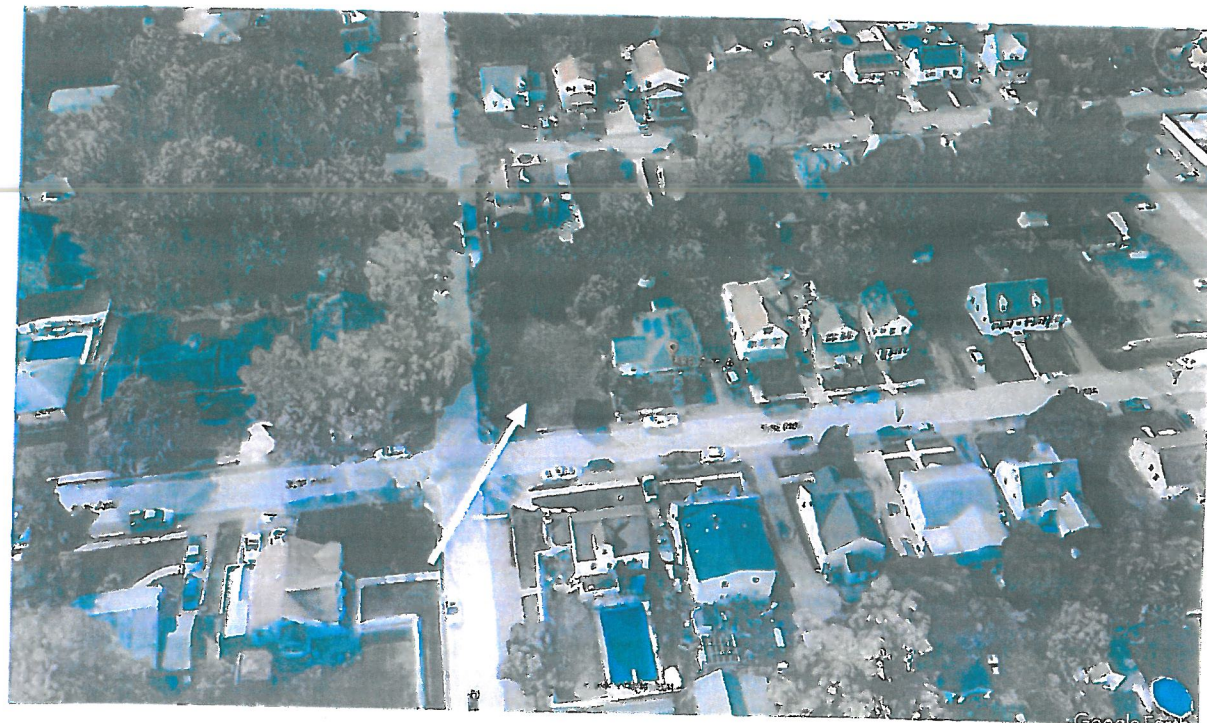
Sincerely,

  
\_\_\_\_\_  
Sal Profaci, Zoning Officer

Email: [sprofaci@northbrunswicknj.gov](mailto:sprofaci@northbrunswicknj.gov)  
Phone: 732-247-0922 x 207

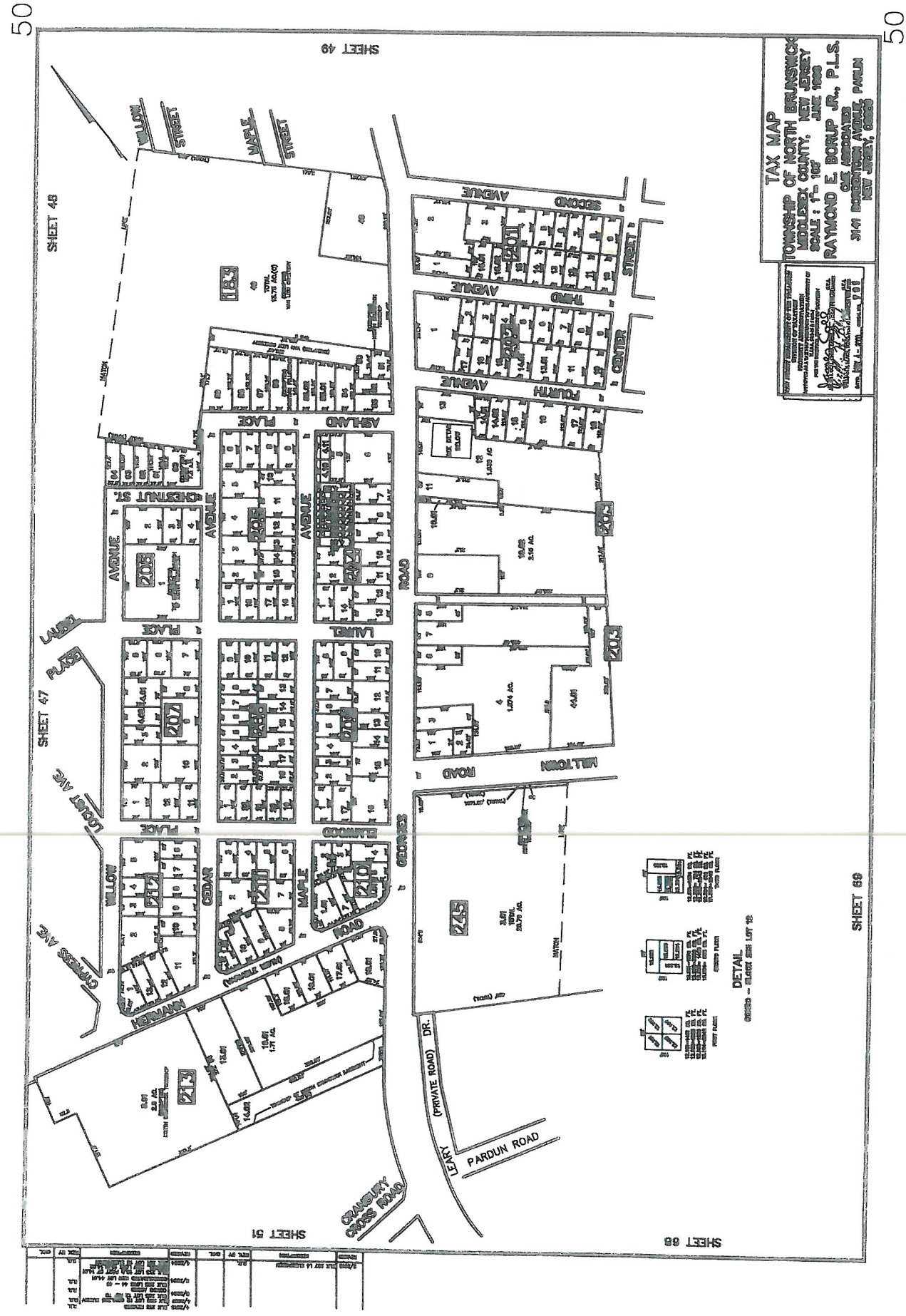
c: Mayor and Council  
Michael Hritz, Director of Community Development  
Tom Vigna, Planner  
Planning Board











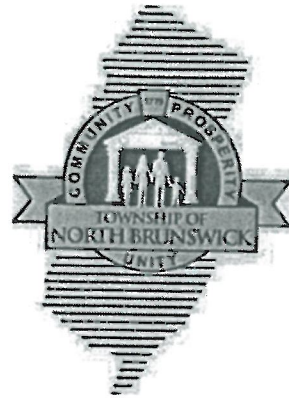


## Intentions of the Applicant

576 Second Avenue

Block 201 Lot 9

Applicant intends to construct one single family detached dwelling on a vacant 50' x 100' lot. The home will be approximately 2220 SF and will have an attached single car garage and a 12' wide driveway. The new home will be two story with a basement and have overall dimensions of 30' x 42'. There are no intended deed restrictions. Construction will commence once all approvals and permits are in place. Construction is expected to take about 6 months. The new home will be offered for sale. The expected sales price will be in the range of \$550,000 to \$600,000.



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 9 Lot(s) 201 Zone R-4  
Property Location 576 Second Avenue  
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: Builders Pro LLC  
Address: 36 Clive Hills Road Edison, NJ 08820  
Telephone: 732-261-7763 Fax: \_\_\_\_\_  
Email: gginz@usa.net

**Owner (if different from Applicant):**

Name: Same as applicant  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Engineer:**

Name: Fletcher Engineering, Inc Paul Fletcher  
Address: P.O. Box 329 Fords NJ 08863  
Telephone: 732-738-8809 Fax: \_\_\_\_\_  
Email: PaulFletcherEngineering@gmail.com

**Attorney:**

Name: DOMINIC CERMINARO  
Address: 707 RARITAN AVENUE, HIGHLAND PARK, NJ 08904  
Telephone: 732-545-9860 Fax: \_\_\_\_\_  
Email: cerminarolaw@optonline-net



## PART II

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

SEE ATTACHED DEVELOPERS INTENTIONS STATEMENT

### 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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- <u>54</u>	<u>Front setback - 30 Ft</u>	<u>Proposed 10 Ft.</u>



§205- <u>54</u>	<u>Lot Area - 9,000 SF</u>	<u>Existing 5,000 SF</u>
§205- <u>54</u>	<u>Lot width - 90 Ft</u>	<u>Existing 50 Ft.</u>
§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:

TESTIMONY WILL BE PROVIDED.





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: \_\_\_\_\_

TESTIMONY WILL BE PROVIDED

**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: \_\_\_\_\_

TESTIMONY WILL BE PROVIDED

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: \_\_\_\_\_

TESTIMONY WILL BE PROVIDED.



### 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:

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**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): \_\_\_\_\_

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**LIST OF PLANS, REPORTS AND OTHER MATERIALS SUBMITTED:**

Quantity:	Description of Item:
14	APPLICATION FOR VARIANCE.
15	PLOT AND GRADING PLAN
3	TAX AND ASSESSMENT PAYMENT REPORT
1	SURVEY OF PROPERTY
1	FREEHOLD EXEMPTION APPLICATION
1	DEVELOPER'S INTENTIONS STATEMENT.
1	W 9 FORM
1	ESCROW DEPOSIT TICKET.
1	FLASH DRIVE WITH DIGITAL COPIES




**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: GREGORY GINZBURG Address: 36 CLIVE HILLS ROAD, EDISON NJ 08820

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

Applicant's Signature: X Date: 4/23/2024



**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: X Date: 4/27/2024

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: X \_\_\_\_\_ Date: 4/23/2024

**APPLICANT'S CERTIFICATION:**

I, GREGORY GINZBURG, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 36 CLIVE HILLS ROAD, EDISON 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.

X  
SIGNATURE

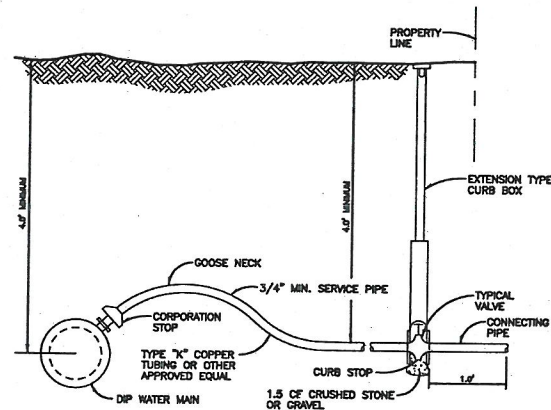
Sworn to and subscribed before  
me this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
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):**

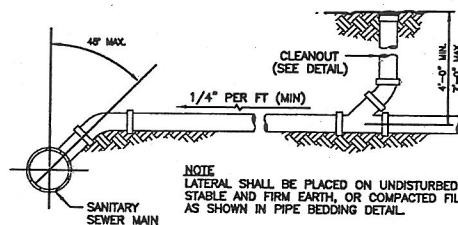
I, GREGORY GINZBURG, of full age, being duly sworn according to law and upon my oath depose that: I reside at 36 CLIVE HILLS ROAD, EDISON in the County of MIDDLESEX and State of NEW JERSEY, and that the above statements contained in this application and in the papers appended thereto are true. I further certify that I am the owner in fee of all that certain lot, piece or parcel of land

This certification is made only to those named parties for purchase and/or mortgage of herein delineated property by the named purchaser. No responsibility or liability is assumed by Surveyor for use of survey for any other purpose including, but not limited to, use of survey for survey of record, needs of property, to any other person not listed in certification, either directly or indirectly. This survey has been prepared for this transfer only and is limited to the same. Offsets are not to be used to create property lines for construction of fence or other structures. This survey is subject to such facts as an accurate title search may disclose. This plan does not show underground utilities or subsurface construction.

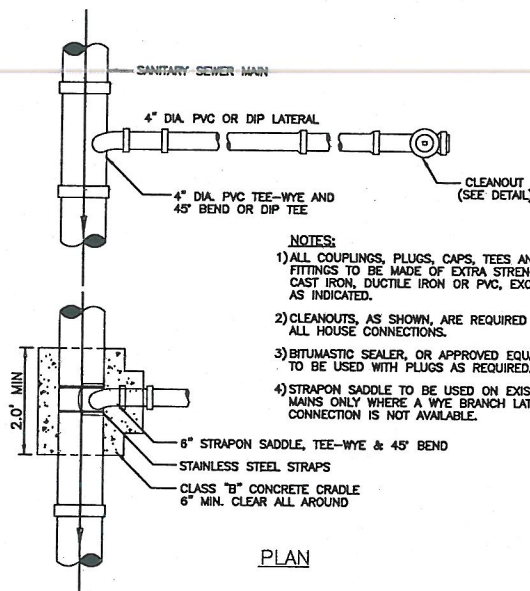


HOUSE SERVICE CONNECTION

N.T.S.



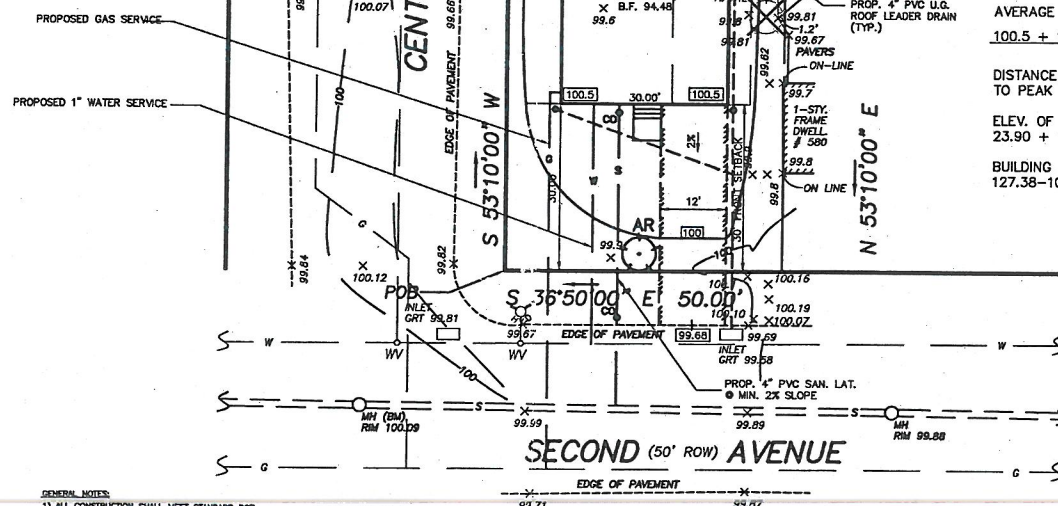
PROFILE



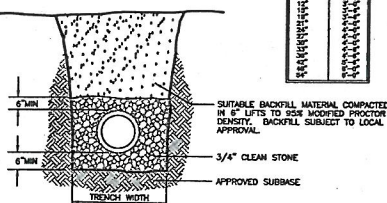
PLAN

LATERAL CONNECTION (4" TYPICAL)

N.T.S.



- GENERAL NOTES:
- 1) ALL CONSTRUCTION SHALL MEET STANDARD DOT SPECIFICATIONS, THE LATEST EDITION.
  - 2) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST OSHA STANDARDS.



TRENCH DETAIL 'A' (SANITARY SEWER)

N.T.S.

- NOTES:
- 1) ALL EXISTING SITE IMPROVEMENTS TO BE DEMOLISHED.
  - 2) CONNECT ALL ROOF LEADERS TO STORM INLET.
  - 3) CONNECT SUMP PUMP DISCHARGE TO ROOF LEADER DRAIN SYSTEM.
  - 4) THIS PLAN BASED ON A SURVEY PREPARED BY FLETCHER ENGINEERING, INC. DATED 02-20-24.
  - 5) ALL CONSTRUCTION IN ACCORDANCE WITH NORTH BRUNSWICK TOWNSHIP DETAILS AND SPECIFICATIONS.
  - 6) ELEVATIONS BASED ON AN ASSUMED DATUM.
  - 7) THIS SITE MEETS THE REQUIREMENTS SET FORTH IN THE US ACCESS BOARD'S "ACCESSIBILITY GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY" AND "ADA STANDARDS FOR ACCESSIBLE DESIGN".

LEGEND

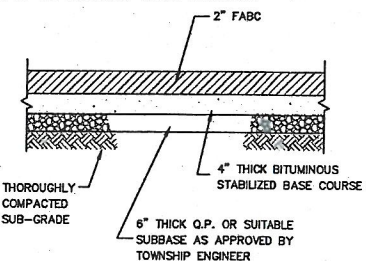
---	EXISTING CONTOUR
---	PROPOSED CONTOUR
101.6x	EXISTING SPOT ELEVATION
101.15+	PROPOSED SPOT ELEVATION
TC 100.50 BC 100.00	PROPOSED TOP/BOTTOM CURB ELEV.
---	PROPOSED SURFACE DRAINAGE DIRECTION
6" TREE	EXISTING TREE TO REMAIN
6" TREE	EXISTING TREE TO BE REMOVED
OP	PROPOSED TREE

BUILDING HEIGHT CALCULATION:

AVERAGE FINISHED GRADE:	
$100.5 + 100.5 + 100.5 + 100.5$	$= 100.5$
DISTANCE FROM FIRST FLOOR TO PEAK OF ROOF (FT.)	$= 23.90$
ELEV. OF PEAK	$23.90 + 103.48 = 127.38$
BUILDING HEIGHT:	$127.38 - 100.50 = 26.88'$

TREE REPLACEMENT:

NO. OF TREES ON SITE:	1
NO. OF TREES TO BE REMOVED:	0
NO. OF SPECIMEN TREES TO BE REMOVED:	0
NO. OF REPLACEMENT TREES REQUIRED:	1



TYPICAL PAVEMENT SECTION

NOT TO SCALE

ZONING REQUIREMENTS - R-4 ZONE

	REQUIRED	PROPOSED
MINIMUM LOT AREA (S.F.)	9,000	5,000*
MINIMUM LOT WIDTH (FT.)	90	50*
MINIMUM LOT DEPTH (FT.)	90	100
PRINCIPAL BUILDING SETBACK		
FRONT (FT.) (SECOND AVE.)	30	30
FRONT (FT.) (CENTER ST.)	30	10**
SIDE (ONE/BOTH) (FT.)	6/18	10/38
REAR (FT.)	20	N/A
ACCESSORY BUILDING SETBACK		
SIDE (FT.)	5	N/A
REAR (FT.)	5	N/A
MAXIMUM LOT COVERAGE (BLDG.) (%)	25	25
MAXIMUM HEIGHT (FT./STORIES)	30/2 1/2	26.88/2
MAX. LOT COVERAGE (ALL IMPERVIOUS) (%)	60	34.4
MAX. HT. FENCE IN FRONT YARD	4'	6'*

EXISTING NONCONFORMITY \*  
VARIANCE REQUESTED \*\*

2	ADD FENCE	MA	05-17-24
1	STREET ADDRESS	EEJ	04-23-24
NO.	REVISION	DRAWN	DATE

PLOT & GRADING PLAN  
PREPARED FOR  
576 SECOND AVENUE  
LOT 9 IN BLOCK 201  
TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY

**FLETCHER ENGINEERING, INC.** ENGINEERS • SURVEYORS • PLANNERS  
P.O. Box 329 • Fords, NJ 08863 • Phone 732-738-8809 • Fax 732-738-6727

PAUL J. FLETCHER, P.E., P.P.  
PROFESSIONAL ENGINEER N.J. LIC. NO. 32041

SCALE	DATE	FILE NO.	MAP NO.
1"=20'	04-10-24	949024	1306/712
DRAWN	CHECKED	DWG NO.	SHEET
SLF	MA		1 OF 1