



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. Jeffrey Chang, Esq.
Fox Rothschild
Princeton Pike Corporate Center
997 Lennox Drive
Lawrenceville, NJ 08648

FROM: Sal Profaci, Zoning Officer

DATE: April 30, 2024

SUBJECT: Block: 198 Lot: 3
Street Address: 648 Nassau Street
North Brunswick, NJ 08902
Applicant: Nelly Burgos and Danelle's Diaz

Dear Mr. Chang:

I have reviewed the land use application package submitted for the above address, and I have determined that your client must appear before the North Brunswick Zoning Board of Adjustment for land use approvals including C bulk variances.

The following application materials were reviewed:

- o 11 – sheet Township of North Brunswick (Variance Application Form C).
- o 1-sheet plot plans entitled, Proposed Recreation Room Addition to Existing Detached Garage, prepared by Sheffmaker Architecture L.L.C. dated 3/27/2024.

Administrative

1. The applicant proposes to legitimize a 201 square foot recreation room garage addition that was partially constructed without the required zoning and construction permits. The recreation room garage addition is attached to the front of an existing 250.9 square foot

garage. Both the existing garage and recreation room garage addition encroach into the side yard set-back, therefore a variance is required. The garage addition also increases the maximum lot coverage percentage from 27.2 % to 31.7 % where 25 % is required. The Township has issued both Zoning and Construction Violations.

2. The subject property is a single-family dwelling located in the R-4 Residential Zoning District. Our records indicate the home was constructed in 1939. The existing 250.9 sf garage is pre-existing non-conforming. The property is approximately 4,500 sq. ft or .10 of an acre. The property is 45 feet in width and 100 feet in depth.

“C” Variances

Chapter 205-26.1 C. Accessory buildings and structure states as follows: No accessory building or structure shall be closer than five (5) feet to a rear or side property line. **The applicant proposes .95 feet.**

Chapter 205-45.1 B. Size limits for detached accessory structures and buildings in residential zones states as follows: Other accessory structures and buildings. With the exception of detached garages, no other accessory building or detached raised deck shall exceed 240 square feet in area and twelve feet in height. **The applicant proposes 201 sf addition to an existing garage which increases the total size to 451.9 square feet.**

Chapter 205-Attachment 6 Schedule of area, yard and building requirements states as follows: The maximum percentage of lot coverage is 25%. **The applicant proposes 31.7%.**

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

3. Miscellaneous:

- a. 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:

- 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 Variances \$100 x 3 (Residential):	<u>\$300.00</u>

TOTAL: \$350.00

Technical Review Escrow Deposit:

C Variances \$350 x 3 (Residential):	<u>\$1,050.00</u>
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TOTAL: \$1,400.00

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.

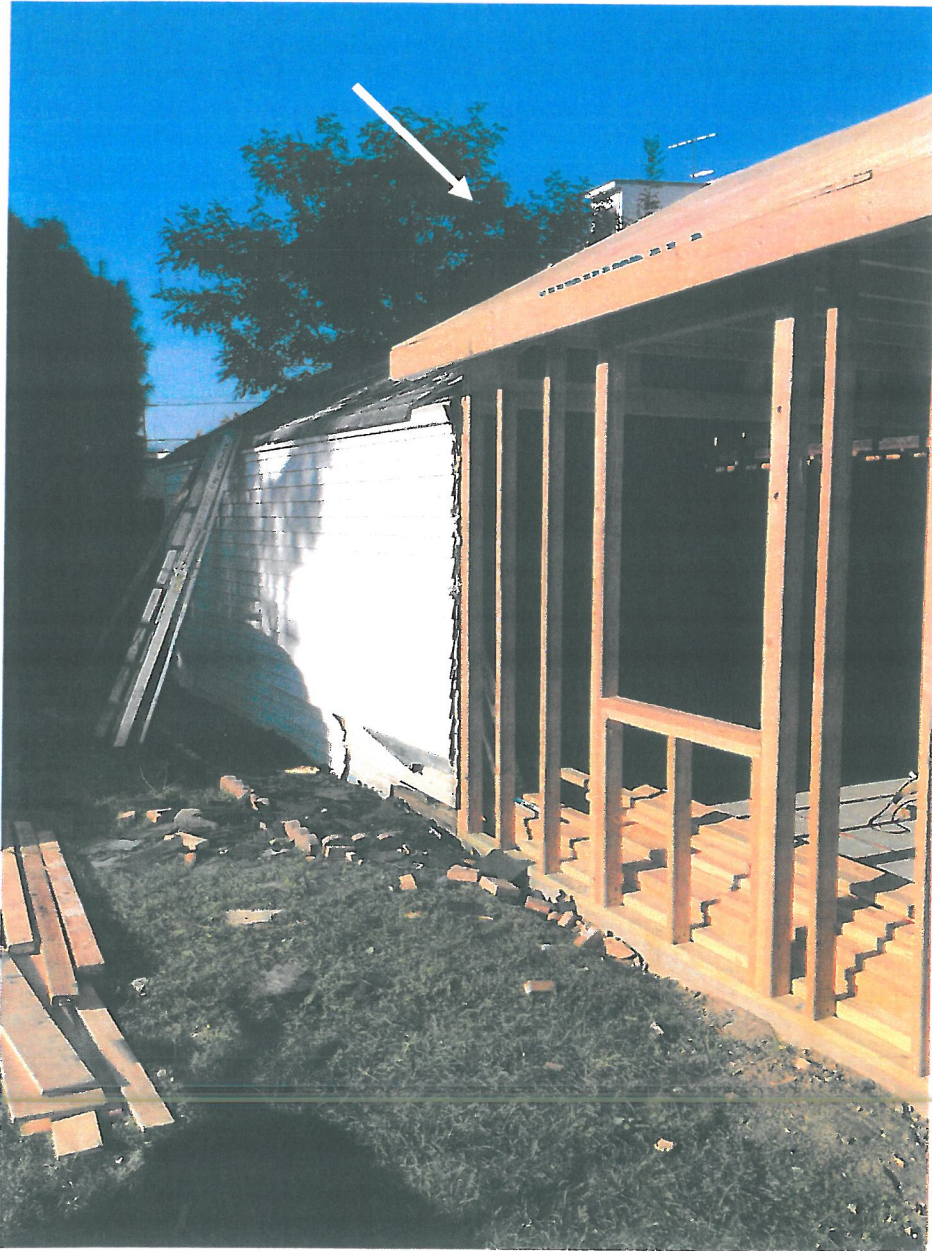
Sincerely,



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







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 x 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 198 Lot(s) 3 Zone R-4
Property Location 648 Nassau Street, North Brunswick, NJ
Size of Property 4,500 sq. ft.

Present Use: Residential Non-Residential Vacant
Proposed Use: Residential Non-Residential **Specify:** _____

CONTACTS:

Applicant: Corporation Partnership Individual
 Other/Explain _____
Name: Nelly Burgos and Danellis Diaz
Address: 648 Nassau Street, North Brunswick, NJ 08902
Telephone: 908-307-6432 Fax: _____
Email: blue07georgia@yahoo.com

Owner (if different from Applicant):
Name: Same as above
Address: _____
Telephone: _____ Fax: _____
Email: _____

~~**Engineer:**~~ Architect
Name: Susan Sheffmaker
Address: Sheffmaker Architecture, LLC - 262 Redmond Street, New Brunswick, NJ 08901
Telephone: 732-514-9543 Fax: _____
Email: susan@sheffmakerllc.com

Attorney:
Name: Jeffrey R. Chang, Esq.
Address: Fox Rothschild, LLP - 997 Lenox Drive, Lawrenceville, NJ 08648-2311
Telephone: 609 895-7072 Fax: 609 896-1469
Email: jrchang@foxrothschild.com



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- 54	Max lot coverage of 31.7% where	27.2 % is existing and 25% is permitted

Type text here



§205- 54 Accessory structure minimum side yard of .95 feet where 2 feet is existing and 5 feet is required

§205- _____

§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:



The property is currently under sized with an existing garage that is near the side yard of the adjacent property. The logical expansion of the garage requires it to be located flush with the existing garage and thus the additional set back violation. The property is particularly narrow on right side of the property where the existing driveway is located. Further the undersized nature of the property necessitates the slight increase in building coverage. The garage expansion will continue to be shielded from the adjacent parcel by the existing fence and tree line.

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 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: _____

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: _____



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:

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:
14	Proposed Recreation Room Addition to Existed Detached Garage Plan
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



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: _____

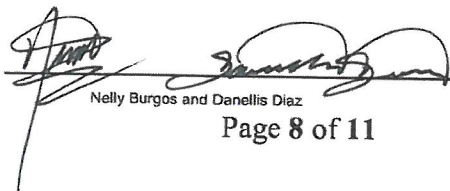
Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

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

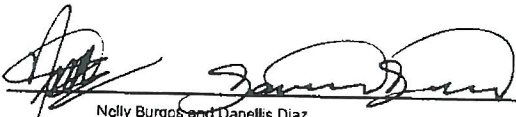
Nelly Burgos and Danellis Diaz

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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: 4/4/2024
Nelly Burgos and Danellis Diaz

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



situated, lying, and being in the municipality aforesaid, and known and designated as Block(s) 193 and Lot(s) 3,

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.

Sworn to and subscribed before me this 12th day of April, 2024

Rebeca A. Rodriguez
NOTARY PUBLIC

SIGNATURE Nelly Burgos

Barbellis Diaz

