

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:

James E. Stahl, Esq.

Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl, P.C.

2875 Route 1

North Brunswick, New Jersey 08902

FROM:

Sal Profaci, Zoning Officer

DATE:

April 25, 2024

SUBJECT:

Block: 259 Lot(s): 9.01, 10.01

Street Address: 770-786 Carolier Lane Applicant: Bowlero North Brunswick LLC

222 W. 44th Street, 4th Floor, New York, NY 10036

Dear Mr. Stahl:

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

The following application materials were reviewed:

- o 11-Sheet Township of North Brunswick Variance Application (Form C)
- o 1-sheet sign plan prepared by Persona Signs LLC, dated 8/23/2023;
- o 2-sheet property survey prepared by American Surveying & Mapping Inc., dated 12/11/2017.

Administrative

1. The applicant proposes to replace an existing multi-tenant freestanding sign with a new 37 ft. high 292.6 sq. ft. multi-tenant freestanding backlit sign. The proposed sign is 55.7' feet from the property line along Carolier Lane.

- 2. The subject property is a shopping center located in the General Commercial (C-2) District. A shopping center is a permitted use in the zone, and a sign is a permitted accessory use.
- 3. Variances associated with the development application are summarized in the following table(s):
 - a. The proposed sign requires the following "C" variance(s):

Description	Min.	Proposed	77	
	Required/Max.	rioposed	Variance	Ordinance
	Permitted			
Freestanding	20 ft.	37 ft.	77	6.005.103
Sign, Height		3711.	V	§ 205-102 (D)
Freestanding	150 ft.	292.6 ft.	77	5.005.10-
Sign, Sign Area		2,2.0 11.	V	§ 205-105 (H) (2)

V = Variance

Technical

1. <u>Variances</u>:

- a. Freestanding Sign, Height The applicant proposes to replace an existing multitenant freestanding sign with a new 37 ft. high multi-tenant freestanding sign, whereas no freestanding sign shall exceed 20 feet in height above ground level (§205-102 (D)). The applicant should justify this variance request and provide testimony to satisfy the C-1 (hardship) and/or C-2 variance criteria.
- b. Freestanding Sign, Sign Area The applicant proposes to replace an existing multi-tenant freestanding sign with a new 292.6 sq. ft. multi-tenant freestanding backlit sign, whereas freestanding signs for office, commercial and industrial buildings in excess of 50,000 sq. ft. of gross floor area shall not exceed 150 sq. ft. (§205-105 (H)(2)). The applicant should justify this variance request and provide testimony to satisfy the C-1 (hardship) and/or C-2 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:

- 14 copies of Township of North Brunswick Variance Application (Form C).
- W-9 form.
- 15 Sheets of page 1 property survey prepared by American Surveying & Mapping Inc. drawn to scale. Only 8 1/2 by 11 have been provided.
- 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 C Variance (Commercial)x2:	\$200.00 \$400.00
TOTAL:	\$600.00
Technical Review Escrow Deposit:	
C Variance (Commercial)x2:	\$600.00
TOTAL:	\$600.00

Please remit two separate checks in the above total amounts and provide the items identified above. Upon receipt and review of the requested materials, 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, at 732-247-0922, extension 440.

> Sincerely, Sal Profaci Sal Profaci, Zoning Officer

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

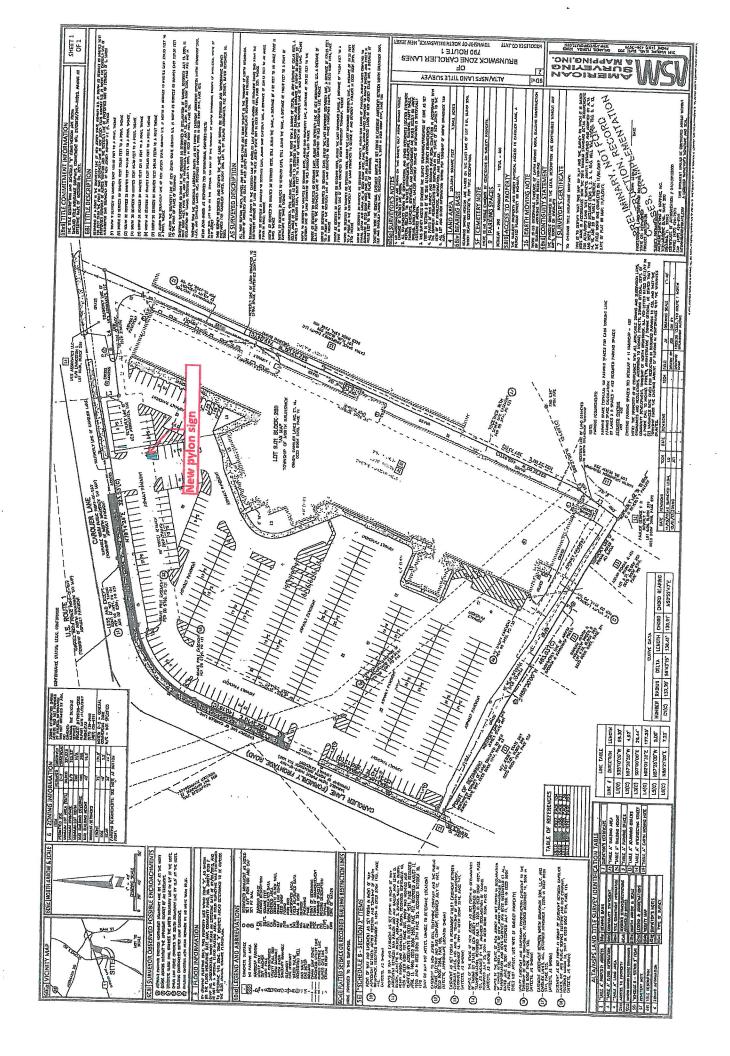


Existing Freestanding Pylon Sign



Aerial View (Location of New Sign)









	For Office Use Only
	Date Filed: Appl. No.:
	Appl. Fee: \$
-	Check One:
	☐ Zoning Board of Adjustment
	☐ Planning Board
ì	

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 259	Lot(s) 9.01 & 10.01	Zone C-2 (General	Commercial
Property Location _	770-786 Caroller Lane, North	Brunswick, NJ 08902	
Size of Property7	7,509 +/- acres	_	
Duggant Hags	☐ Residential ☑ Non-Residen	ial C Vannut	
	☐ Residential ☒ Non-Residen		
roposou ouvi	D Rosidonida Es 1701 17051doll	ar speens, Tylon sign	
CONTACTS:			
A	Ø Company in Fig.	W T - 14 - 1 1 - 1	
Applicant:	☑ Corporation ☐ Partnership t☐ Other/Explain	J Individual	
Name: <u>Bowlero i</u>	North Brunswick, LLC		
Address: 222 W.	44th Street, 4th Floor, New Y	ork, NY 10036	
Telephone: 908-28	35-3196	Fax: 212-777-2390	
Email: aprice@l	oowlerocorp.com		
	it from Applicant):	***************************************	
Name: Same as	A	•	
Address:			
Telephone:		Fax:	
Engineer:			
Name: Thompson	n Engineering Services, LLC		
Address: P.O. Box	x 1500, Englewood, TN 37329		
Telephone: 423-7	81-7336	Fax: 423-781-7337	
Email: carl@tese			
Attorney:			
Name: James E.	Stahl, Esq. of Borrus, Goldin	, Foley, Vignuolo, Hyman & S	Stahl, P.C.
	S Highway 1, North Brunswic		
	22-1000 ext. 222	Fax: 732-422-1016	
Email: jstahl@be	orrus.com cc: kstahl@borrus	com	



PART II

Describe the Proposed Developmen	t/Request (continue on a separate sheet if necessary):
Proposed sign replacing existing sign	exceeds that permitted pursuant to Section 205-68.10
Signage, in that the sign is in exce	ess of 150 sq. ft., is an electronic sign and is
	level. Proposed sign is 292.6 sq. ft. with an overall height
of 37'.	
Production of the Control of the Con	
•	
VARIANCE(S) REQUESTED (Ch	eck all that apply):
🗵 "C" Variance(s):	
☐ C(1) - The strict application o exceptional practical difficulti	f the provisions of Chapter 205 would result in peculiar and es or exceptional and undue hardship.
☑ C(2) - The purposes of the M from the zoning ordinance substantially outweigh any determined.	unicipal Land Use Law would be advanced by a deviation requirements and the benefits of the deviation would triment.
☐ "D" Variance(s):	
☐ D(1) - Use or principal structure.	cture in a district restricted against such use or principal
□ D(2) - Expansion of a noncon	forming use.
□ D(3) - Deviation from a specif	fication or standard pertaining solely to a conditional use.
□ D(4) - Increase in the permitte	
□ D(5) - Increase in the permitte	
	structure exceeds by 10 feet or 10% the maximum height



ASSOCIATED APPROVALS REQUESTED:

Site Plan:		<u>St</u>	ibdivision:				
☐ Site Plan			Minor Subdiv	ision			
☐ Amended Site Plan	n		Preliminary N	lajor Subdiv	ision		
☐ Conditional Use			Final Major S	ubdivision			
			Amended Pre	liminary Ma	jor S	ubd	ivision
			Amended Fin	al Major Sul	odivi	sior	1
☐ Other (specify):	I/A						 ,
A change to a nonp- waiver request. Such acknowledgment by requirements of Chap is not satisfactory in coverage, safety, land	request may be of the Board that the oter 205, No site p such matters as	considered by the condition of plan waiver will traffic, circulation	e Board, and, ithe property is be granted if to on, access, par	if granted, we satisfactor; he condition thing, lighting.	vill co y and n of ti ng, se	onst I m he p etba	titute an eets the property acks, lot
Is a site plan waiver	requested?		⊠ YES	□ NO			
☑ If a site plan waive The only change that w	er is sought, explaid in the result of the r	in why the requ placement of the e	est shall be gra existing sign with	nted: the new pylo	on sign	n	
Is the application p	roposed to be bif	urcated?	☐ YES	⊠ NO)		
If bifurcated, ident	ify the nature	of subsequent	development	approvals	to	be	sought:

Identify Requested	Variances:						
Ordinance Section:	Requirement:		Dronogad	Deviation:			
§205-102(D)	Max. Height -	20 feet					
8203-102(0)	TATAY' I TETATIF -	40 ICCL	37 feet				



§205-105(H)(2)	Max. Size of Sign Face - 160 Sq. Ft.	292,6 sq. ft.	<i>¥</i>
§205			
§205			
§205			
§205			
§205			
§205			
§205			
§205			
§205			
§205			
§205			
Identify Requested	Design Waivers:		
Ordinance Section:	Requirement:	Proposed Deviation:	
§205	-	-	
§205			
§205			
§205	NAME OF THE PARTY		
§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:



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: Existing signage presently
utilized by Applicant on the premises, due to the setback of the building from the high speed Route
1 corridor is inadequate to identify Applicant's and tenants' use to prospective and present customers. This represents a hardship and is negatively impacting the business of Applicant and tento 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 proposed sign is on a 7.509 acre site having no impact on adjoining properties, all of
which are commercial in nature.
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: See above.



PART III

Has there been any previous applica	tion to any	y Township B	oard involving t	hese prer	nises?
	٠	▼ YES	□ NO		
If yes, provide file number(s) and	state the	nature, date	and disposition	of said	mater
Various minor site plan modifications	and denial	of prior sign a	ipplication.		· · · · · · · · · · · · · · · · · · ·
Is public water available?		X YES	□ NO		
If no, how will water service be supplied	ed?				
Is public sewer available?		X YES	□ NO		
If no, provide proposed method of sew	age dispos	al:			
Are there any existing deed restriction	ons, easem	ients or coven	iants?		
		☒ YES	□ NO		
If yes, are copies provided?		▼ YES	□ NO		
Are any deed restrictions, easements	or covens	ants contemp	lated?		
	8	☐ YES	NO 🗵		
If yes, are copies provided?		☐ YES	□ NO		
Does the owner own or have any own	nership in	terest in any	contiguous prope	erty?	
		☐ YES	⊠ NO		
If yes, provide type of ownership, addr	ess, block	and lot(s):			
The State of the s					
LIST OF PLANS, REPORTS AND	OTHER N	MATERIALS	SUBMITTED:		
Quantity: Description of Item:					
15 ALTA/NSPS Land	Title Sur	vey			
15 Sign detail					
15 Site Location Plan					1
	r				
					- And Section Control of the Control



	,
	·
A	
	•

	WNERS OF CORPORATION OR PARTNERSHIP:
	ership applying to a Board for permission to subdivide a parcel of land
	r applying for a variance to construct a multiple dwelling of 25 or more
	oval of a site to be used for commercial purposes shall list the names and
addresses of all stockh	lders 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. Applica	ons which do not comply with N.J.S.A. 40:55D-48.1 et seq. will be
deemed incomplete.	See enclosed Ownership Disclosure.
Name:	Address:
Name:	Address:
Name:	Address;
	Address:
	Address;
Name:	Address:
Name:	Address:
Name:	Address:
	Address:
Name:	
Applicant's Signature	James E. Stahl, Esq., Attorney for Applicant Page 8 of 11



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

	or Stouring 101
voiding the approval. 6) In the event that my application is denied and a I	Deficiency Notice is
received after the denial is memorialized, I am still obligated to pay any sho	ortfall amount, and I
acknowledge that failure to pay the shortfall shall result in the shortfall being	ng deemed a lien on
the property which is subject of the land development application.	
Applicant's Signature:	Date: 04/11/24
James E. Stahl, Esq., Attorney for Applicant/	Owner
Owner's Signature (if different from Applicant):	Date:
Page 9 of 11	



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. Date: 04.11.24 Owner's Signature: James E. Stahl, Esq., Attorney for Owner APPLICANT'S CERTIFICATION: James E. Stahl, Esq., I, Attorney for Applicant , of full age, being duly sworn according to law and upon my oath, depose that: I reside at 2875 US Route One, North Brunswick 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. SIGNATXIR Sworn to, and subscribed before me this! day of April OWNER'S CERTIFICATION Of 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): James E. Stahl, Esq., I, Attorney for Owner _, of full age, being duly sworn according to law and upon my oath depose that: I reside at 2875 US Route One, North Brunswick in the County of Middlesex and State of New Tersey 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

	F
situated, lying, and being in the municipality aforesaid, and known and designated as Bloc	k(s)
269 and Lot(s) 9.01 & 10.01	
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 sa	ame
manner as if I were the applicant. SIGNATURE	
Sworn to and subscribed before me this day of April . 20 24	

KERRI C. STAHL
NOTARY PUBLIC
State of New Jersey
ID #.50103796
My Commission Expires April 25, 2024