



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. Robert Semple
245 Garner Road
North Brunswick, NJ 08902

FROM: Sal Profaci, Zoning Officer

DATE: May 8, 2025

SUBJECT: Block: 271 Lot: 17
Street Address: 245 Garner Road
Applicant: Mr. Robert Semple

Dear Mr. Semple:

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 prepared by Gregory Prochoren, P.L.S. Inc., dated 5/27/1992.

Administrative

1. The applicant proposes to install a 6 ft. privacy fence and an above ground swimming pool in the required 40 ft. front yard setback along South Barkley Place.
2. The subject property is a corner lot located at the intersection of South Barkley Place and Garner Road. The property has two front yards.
3. The subject property is a single-family dwelling located in the R-2 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	4 ft.	6 ft.	V	§ 205-93 (A) (1) (a)
Fence in Front Yard, Type	Open-type	Solid	V	§ 205-93 (A) (1) (a)
Pool in Front Yard,	Not Permitted	Front Yard	V	§ 205-26.1 (B)

V = Variance

Technical

Variances:

- 1. Fence in Front Yard, Height** – The applicant proposes to install a 6 ft. privacy fence in the required 40 ft. front yard setback along South Barkley Place, 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 40 ft. front yard setback along South Barkley Place, 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.
- 3. Swimming Pool in Front Yard,** – The applicant proposes to install an above ground swimming pool in the required 40 ft. front yard setback along South Barkley Place, whereas detached accessory buildings, swimming pools and play courts shall be permitted in the rear yard only (§ 205-26.1 (B)). 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.
- 14 Copies of Township of North Brunswick Variance Application (Form C)

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 \$100 x 2 (Residential):	<u>\$200.00</u>

TOTAL:	\$250.00
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Technical Review Escrow Deposit:

C Variance \$350 x 2 (Residential):	<u>\$700.00</u>
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TOTAL:	\$700.00
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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



Proposed six (6) ft Fence to be installed in the same location as the current four (4) ft open fence. The fence will be approximately 11'-6" from the curb.


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

THIS SURVEY CERTIFIED TO:

1. William Semple & Cynthia Semple (H&W)
2. The National State Bank, Elizabeth, N.J.,
its successors and/or assigns
as shown on the map as filed
3. Middlesex Title Agency, N.J. Inc.
4. The National Company of Mortgage
and Anthony, N.J. Inc.

Map: This property known as Lot 20
in Block 503 on a map entitled
"Map of Harrington Park,
Section 1",
filed April 27, 1961
Map No. 1973
File No. 684

SOUTH BARKLEY PLACE
(F.A.A. HAVEN DRIVE)
50' R.O.W.

6ft Fence 
Pool 

WARNER ROAD
(F.A.A. WORTHINGTON ROAD)
50' R.O.W.

PRINT OF BEGINNING-
AS PER DEED BOOK 3574
PAGE 283

RITA OBAYDA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 6/26/2025

Rita Obayda
Notary Public

Notes: Property owner has not been to the property
Under ground utility lines have not been located

SURVEY FOR: William Semple & Cynthia Semple (H&W)

LOCATION: 100 Warner Road
North Brunswick Township Middlesex County,
New Jersey

DRAWN BY: J.M.R.

JOB NO: 100114

DATE: 10/1/91

TAX MAP BLOCK: 271

TAX MAP LOT: 1

AREA: 0.1111 AC.

Gregory Prochoren
Date May 27, 1991
Gregory Prochoren, P.L.S., Inc.
LICENSED LAND SURVEYOR
NEW JERSEY LIC. NO. 27491
P.O. BOX 427
WOODBIDGE, N.J.
07095-0427
PHONE 908-636-4242
FAX 908-636-4430





For Office Use Only

Date Filed: _____ Appl. No.: _____
Appl. Fee: \$ _____ Escrow Deposit: \$ _____

Check One:

- ☐ Zoning Board of Adjustment
☐ 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 271 Lot(s) 17 Zone R-2
Property Location 245 Garner Road, North Brunswick, NJ 08902
Size of Property 9,000 sq ft

Present Use: ☒ Residential ☐ Non-Residential ☐ Vacant
Proposed Use: ☒ Residential ☐ Non-Residential Specify: _____

CONTACTS:

Applicant: ☐ Corporation ☐ Partnership ☒ Individual
☐ Other/Explain _____

Name: Robert Semple

Address: 245 Garner Road, North Brunswick, NJ 08902

Telephone: 732-433-1171 Fax: N/A

Email: Hovtx97@gmail.com

Owner (if different from Applicant):

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

Engineer:

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____

Attorney:

Name: _____

Address: _____

Telephone: _____ Fax: _____

Email: _____



PART II

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

We are requesting approval to install an above ground swimming pool and a 6 foot privacy fence in the required front yard setback along South Barkley.

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- 93 (A)(1)

Fence in front yard height

Request a 6' privacy fence in the required front yard setback along South Barkley



§205- <u>93 (A)(1)</u>	<u>Fence in front yard type</u>	<u>Whereas only open-type fences are permitted the front yard</u>
§205- <u>26.1 (B)</u>	<u>Accessory Building and Structures</u>	<u>Detached accessory buildings, swimming pools shall be permitted in the rear yard only</u>
§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:
Requesting approval to install an above ground swimming pool and a 6 foot privacy fence in the



required front yard setback along South Barkley

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:

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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:** _____



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: 4/30/25

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:  Date: 4-30-25

APPLICANT'S CERTIFICATION:

I, Robert Semple, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 245 Garner Road, North Brunswick in the County of Middlesex County 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.


SIGNATURE

Sworn to and subscribed before
me this 30th day of April, 20 25


NOTARY PUBLIC

RITA OBAYDA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 6/26/2025



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, _____, of full age, being duly sworn according to law and upon my oath depose that: I reside at _____ in the County of _____ and State of _____, 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



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

SIGNATURE

Sworn to and subscribed before
me this ____ day of _____, 20____

NOTARY PUBLIC