



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. James Stahl, Esq
Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl
2875 US Highway #1
North Brunswick, NJ 08902

FROM: Sal Profaci, Zoning Officer

DATE: August 13, 2025

SUBJECT: Block: 224 Lot: 48.01
Street Address: 260 Church Lane North Brunswick, NJ 08902
Applicant: Nadia Lopez

Dear Mr. Stahl:

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:

- 11-Page Variance Application (Form C)
- 1 – Sheet as Built Survey prepared by KTJ Associates LLC dated June 20th 2022.

Project Description

1. The applicant proposes to legitimize a 354 square foot pool house and swimming pool pump filtration system that were constructed without the required zoning and construction permits. The Township has issued both zoning and construction violations.

Subject Property

2. The subject property is a single-family dwelling in the R-2 residential zone. The lot is an oversized parcel and is conforming as it meets the yard area requirements of the R-2 zone.

The lot has lot width of 105 feet and a depth of 313.5 feet. The total lot area is 32,918 square feet.

“C” Variances

1. **205-45.1. B. Accessory buildings and structures** states as follows: No other accessory building shall exceed 240 square feet in area and 12 feet in height. A variance is required for the approximately 354 sf pool house.
2. **205-94 H. Private swimming pools** states as follows: The pump of a filtration or pumping system of a private swimming pool shall be located not less than 15 feet from any side or property line. A variance is required for the pool equipment which has been installed approximately 9 feet from the rear property line.

The as built provided by the applicant indicates a 22’ ft by 65’ ft concrete driveway which is zero (0) ft from the property line. Township ordinance 205-26.1 C. states as follows: No accessory building or structure shall be closer than five feet to a rear or side property line, except grade level patios and similar structures shall maintain a minimum of three-foot setback from the side and rear property lines, provided the stormwater runoff will be maintained on the site. No variance for the driveway has been indicated by the applicant.

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:

- W-9 Form
- 3 Copies of the Tax and Assessment Payment Report
- Request for Certified List of Property Owners

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 Variances \$100 x 2	<u>\$200.00</u>

TOTAL: \$250.00

Technical Review Escrow Deposit:

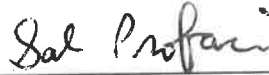
C Variances \$350 x 2

\$700.00

TOTAL: \$700.00

Please remit two separate checks in the above total amounts. Once payment is received, 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 209

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:

- ☐ 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 224 Lot(s) 48.01 Zone R-2 (Residential District)
Property Location 260 Church Lane, North Brunswick
Size of Property 105 x 313.50 - 32,917.50 square feet

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

CONTACTS:

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

Name: Nadia Lopez
Address: 260 Church Lane, North Brunswick, NJ 08902
Telephone: 908-514-0032 Fax: _____
Email: john32191@hotmail.com

Owner (if different from Applicant):

Name: Same as Applicant
Address: _____
Telephone: _____ Fax: _____
Email: _____

Engineer:

Name: _____
Address: _____
Telephone: _____ Fax: _____
Email: _____

Attorney:

Name: James E. Stahl, Esq.
Address: Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl, P.C., 2875 US Highway 1, North Brunswick, NJ 08902
Telephone: 732-422-1000 Ext. 222 Fax: 732-422-1016
Email: jstahl@borrus.com with a copy to dbelliveau@borrus.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:
Single-family residential variance.

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:
§205-45.1(B)	Maximum 240 sq. ft.	354 sq. ft Pool House is existing/proposed



§205- 94(H)	Minimum of 15 ft. from property line	9 ft from the rear property line is existing/proposed
§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:
See attached Rider.



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: See attached Rider.

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 attached Rider.



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:
15	As Built Survey prepared by KTJ Associates, LLC, dated 6.20.2022
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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: <u>N/A</u>	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____
Name: _____	Address: _____

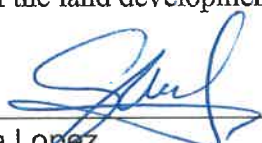
Applicant's Signature: _____ **Date:** _____



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: _____


Nadia Lopez

Date: _____

7/30/25

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


N/A

Date: _____



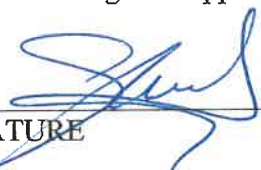
SITE INSPECTION AUTHORIZATION

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: 7/30/25
Nadia Lopez

APPLICANT'S CERTIFICATION:

I, Nadia Lopez, of full age, being duly sworn according to law and upon my oath, depose that: I reside at 260 Church Lane, North Brunswick Township, 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.


SIGNATURE
Nadia Lopez

Sworn to and subscribed before
me this 30 day of
July, 2025


NOTARY PUBLIC Tracy R Venus
Notary Public State of New Jersey
Commission Expires November 3, 2027

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, Nadia Lopez, of full age, being duly sworn according to law and upon my oath depose that: I reside at 260 Church Lane, North Brunswick Township, 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



situated, lying, and being in the municipality aforesaid, and known and designated as Block(s)
224 and Lot(s) 48.01,
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 same
manner as if I were the applicant.


SIGNATURE
Nadia Lopez

Sworn to and subscribed before
me this 30 day of
July, 2025


NOTARY PUBLIC
Tracy R Venus
Notary Public State of New Jersey
Commission Expires November 3, 2027

RIDER

The construction of the oversized pool house and the location of the pool equipment were both the result of miss-communication on the part of the Applicants, including certain language issues. Applicants admittedly, as a result of the confusion, did violate the applicable ordinances. It is submitted, however, that the location of these violations do not create a negative impact upon the neighborhood or the North Brunswick Zoning Ordinance.

To correct these violations would be a severe economic hardship on the Applicants who now request Bulk Variances to correct these violations.
