



## **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. Ronald L. Shimanowitz, Esq.  
Hutt, Shimanowitz & Plocker  
459 Amboy Avenue  
Woodbridge, NJ 07095

**FROM:** Sal Profaci, Zoning Officer

**DATE:** July 8, 2025

**SUBJECT:** Block: 230 Lot: 15 – QuickChek Convenience Store with Fuel Sales  
Street Address: Route 130 & Nimitz Place, North Brunswick, NJ 08902  
Applicant: American Properties at North Brunswick, LLC c/o Greg Kanter

Dear Mr. Shimanowitz:

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 preliminary and final site plan approval with associated bulk variances. I am issuing the following report.

The following application materials were reviewed:

- 8-Sheet Township of North Brunswick (Site Plan/Conditional Use Application Form A) dated 6/13/2025.
- 6-Sheet Township of North Brunswick (Appendix A) Site Plan Completeness Checklist.
- 23-Sheet Preliminary & Final Site Plan prepared by T. Lam P.E. of Bohler Engineering NJ, LLC. dated 6/10/2025.
- 1-Sheet Survey, prepared by Control Point dated 4/1/2025.
- Stormwater Management Report, prepared by Bohler dated June 2025.
- Traffic Impact Study, prepared by Stonefield, dated 5/30/2025.
- Architectural Plans, prepared by GKA, dated 5/30/2025.

### **Project Description**

1. The applicant received bifurcated use variance approval from the North Brunswick Township Zoning Board Adjustment to allow a 5,760 sf QuickChek convenience store with (11) indoor seats, (8) eight outdoor seats and canopy to host eight (8) fuel dispensers.

American Properties, the new applicant, is now returning for preliminary and final site plan approval. The initial approval was granted in October 2022 and subsequently pursuant to N.J.S.A. 40:55D-52 the applicant was granted two extensions from the Zoning Board of Adjustment.

### **Subject Property**

2. The subject property is vacant wooded lot situated on Block 230, Lot 15 on the corner of Route 130 and Nimitz Place. The property is 152,943 square feet or 3.511 acres. The site has approximately 516 feet of frontage along U.S. Route 130 and 258 feet of frontage along Nimitz Place. The site is located in the R-2 single family residential zone, which does not permit retail stores or fueling stations. The subject property is bound by residential uses (single-family dwellings) to the North, and East along McKinley Ave and Nimitz Place. The area to the South is a mixture of commercial and residential uses.

### **Zoning and Bulk Review**

#### **"D" Use Variance Previously Granted**

3. Use: A use variance was granted from Article VII. R-2 Residential District section 205-49 of the Township Ordinance as retail stores or fueling stations are not a permitted use or a conditional use in the Residential District.

The Board concluded that the proposed project is appropriate and suitable at the proposed site. The board finds from the testimony presented, subject to the conditions agreed upon by the applicant and those imposed by the Board, the applicant has satisfied the positive and negative criteria requirements for the Use Variance pursuant to N.J.S.A. 40:55D-70(d)(1) and that it can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township's Master Plan and Zoning Ordinances.

### **Conditions of Approval**

4. The applicant has agreed that it would agree as a condition of any approval that it would be entirely responsible for the design, permitting and construction of an upgraded traffic signal at Washington Place and Route 130 to accommodate the QuickChek driveway and that the traffic signal would be operational as a condition of issuance of a certificate of occupancy.

The applicant also agreed to construct a sound attenuation barrier or sound wall. The barrier replaces a six (6) ft high board on board fence. The barrier is located back from the QuickChek curb line by approximately 10 feet, leaving at least 80 feet of natural buffer between the rear residential property line and the proposed use.

### **"C" Variances**

5. Bulk Regulations: Article II – Section 205-4.1A. Schedule of Area, Yard and Building Requirements Table 1:

#### **Bulk Requirements for Zone "R-2" (Residential)**

	Permitted	Proposed
Minimum Lot Area (sq. ft.)	20,000 SF	152,943 (3.511 AC)
Minimum Lot Width	125 FT	492.7 FT
Minimum Lot Depth	100 FT	226.7 FT
Minimum Front Yard Setback:	40 FT	61.2 FT (Canopy)
Minimum Each Side Yard Setback	12 FT	99.8 FT
Minimum Both Side Yard Setback	40 FT	N/A
Minimum Rear Yard Setback (Accessory Building & Structure)	20% of Lot Depth (226.7 ft x 20%=45.34 ft)	140.1 (Food Store) 138.5 (Canopy)
Maximum Lot Coverage (Buildings)	20%	7.8% (11,897.5 SF)
Maximum Building Height	30 FT	30 FT
Maximum Lot Coverage (Impervious)	50%	42.8% (65,427 SF)

### **Sign Variances Previously Approved**

Article XXV – Signs and Outdoor Advertising

Section 205-102. C. No sign shall be closer than 20 feet to any lot line, except traffic signs and other signs installed by governmental agencies:

1. **Proposed freestanding sign front setback 10-feet**
2. **Enter/Exit Signs Setback-0 feet**

### **Access & Parking Requirements Variances Previously Approved**

Article XXIV – Off Street Parking and Loading

Section 205-96. All Districts E. Parking areas may be located in any rear or side yard, but may not be located in any required front yard except where specifically permitted elsewhere in this chapter.

3. **Proposed 26 parking spaces in the front area along Route 130**

Section 205-98 Design Standards. No driveway to or from a parking area shall be located closer than 100 feet to the nearest right-of-way line of an intersecting street.

4. **Driveway Route 130 proposed to be 78.8 feet from the intersection of Nimitz Place. Driveway on Nimitz Place proposed to be 70.3 feet from Route 130.**

Section 205-98 C.2. Sidewalks and Curbing.

5. **Sidewalks shall be raised six inches above the parking area, except where crossing streets or driveways, and curbed as a protection to pedestrians using the walks.**

There is adequate parking on the site. There are 36 spaces required per Township Ordinance 205-100. B. The number of proposed parking spaces is 66.

### **Miscellaneous**

A letter of interpretation has been submitted to the New Jersey Department of Environmental Protection Freshwater Wetlands Division, including evidence that notice was given to the municipal clerk. The applicant has included a copy of the submission cover letter in this package to the Township. The applicant has requested a waiver from this requirement, and this can be made a condition of approval.

The applicant is currently working with the Township Engineer regarding the relocation of an existing stormwater pipe and associated easement. Unless this is resolved prior to approval, approval would have to be conditioned upon said relocation.

## Completeness

### 1. Checklist:

The application is administratively **deemed incomplete** since the following items from the checklist entitled "Site Plan Completeness Checklist" have not been satisfied and/or submitted:

- 14 Copies of the application forms
- 15 complete sets of the plat shall be submitted (full size), together with 15 reduced copies of the plat measuring 11 inches by 17 inches.
- 3 copies of Tax Assessment Payment Report.
- 205-135.2 (L) Electronic copies of submitted plan, reports, applications etc.
- W-9
- 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:**

Site Plan:	\$ 1,000.00
Zoning Report:	<u>\$ 200.00</u>
<b>TOTAL:</b>	<b>\$ 1,200.00</b>

#### **Technical Review Escrow Deposit:**

Zoning Report	\$ 200.00
Site Plan	<u>\$ 20,000.00</u>
<b>TOTAL:</b>	<b>\$ 20,200.00</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*

Sal Profaci, Zoning Officer

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

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



Aerial View Route 130 & Nimitz