



# BOROUGH OF METUCHEN

MIDDLESEX COUNTY

Tel. (732) 632-8540 • Fax (732) 632-8100 • 500 Main Street • Metuchen, N.J. 08840

## APPLICATION FOR DEVELOPMENT

### Control Information (Office Use Only)

Application Number	Applicant Name	Date Received	Date Deemed Complete

### 1. Application

#### A. Location

Street Address 29 HALSEY STREET

Block 144 Lot 8 Zone B3

Situated on WEST side of HALSEY STREET

distant 311.65' feet from AMBOY AVENUE

#### B. The Site is Located:

Within 200' of Edison Township     Adjacent to County Road     Adjacent to State Highway

#### C. Status:

New     Revision or Resubmission of Prior Application No. \_\_\_\_\_

#### D. Type (Check all that Apply):

Concept     Preliminary     Final     Conditional Use Approval

Minor Site Plan     Major Site Plan     Minor Subdivision     Major Subdivision

(a) – Appeal     (b) – Interpretation     (c) – Variance (Bulk)     (d) – Variance (Use)

Request for Waiver of Submission Requirements     Other \_\_\_\_\_

#### E. Nature of Relief or Variance Request (List Ordinance Reference Sections)

If deemed necessary, relief as follows from §110-64 and the schedule thereto:

- 1) pre-existing nonconforming lot area -- 10,000 square feet required; 9,503.06 square feet existing
- 2) pre-existing nonconforming lot width -- 100 feet required; 76.74 feet existing

#### F. Date and Disposition of any previous Board Hearings involving this Site

N/A

#### G. Plat Submission (List maps and other exhibits accompanying this application)

1. "Plot and Grading Plan Prepared for 29 Halsey Street, Lot 8 in Block 144, Borough of Metuchen, Middlesex County, New Jersey," prepared by Fletcher Engineering, Inc. and dated 8/19/2020, revised through 12/9/2020.
2. Architectural plans, prepared by Marcille Architecture, dated 10/27/2020
3. Lot Width/Area Comparison Plan

**2. Applicant Information**

**A. Applicant**

First Name FOX & FOXX DEVELOPMENT, LLC Phone 732-819-9199  
Last Name STEVEN FOX, Managing Member Phone 732-819-9199  
Street Address 940 AMBOY AVE., SUITE 101 Fax 732-819-9229  
City / State EDISON, N.J. Zip 08837 Email jkraeft@foxandfoxx.com

**B. Applicant is a/an:**

Individual     Partnership     Corporation     Other LLC

**C. Applicant's Relationship to Owner:**

Owner     Lessee     Purchaser Under Contract     Other \_\_\_\_\_

**D. Owner** (If other than Applicant: requires Owner's Consent on Page 6)

First Name RICHARD Phone 732-822-8044  
Last Name SIA Phone \_\_\_\_\_  
Street Address 35 PACIFIC STREET Fax \_\_\_\_\_  
City / State EDISON Zip 08817 Email richsia@yahoo.com

**3. Applicant's Experts**

**A. Attorney** (Required if Applicant is a Corporation; must be a licensed in the State of New Jersey)

Name STEVEN TRIPP, ESQ. Phone 732-636-6076  
Street Address 90 WOODBRIDGE CENTER DRIVE Fax \_\_\_\_\_  
City / State WOODBIDGE, N.J. Zip 07095 Email stripp@wilentz.com

**B. Engineer**

Name PAUL J. FLETCHER, P.E., P.P. Phone 732-738-8809  
Street Address P.O. Box 329 Fax 732-738-6727  
City / State FORDS, NEW JERSEY Zip 08863 Email pauljfletcher@comcast.com

**C. Architect**

Name MARK MARCILLE, AIA Phone 732-662-5824  
Street Address 505 MAIN STREET Fax \_\_\_\_\_  
City / State METUCHEN, N.J. Zip 08840 Email mark@mpm-arch.com

**D. Other Professional Consultants**

Name JEFFREY W. KRAEFT, PLS, PP Phone 732-819-9199  
Street Address 940 AMBOY AVENUE, SUITE 101 Fax 732-819-9229  
City / State EDISON Zip 08837 Email jkraeft@foxandfoxx.com



**5. Request for Bulk Variance**

**A. Bulk Regulations**

	District Requirements	Present	Proposed	Variance
Min. Lot Area	10,000.0 S.F.	9,503.06 S.F.	NO CHANGE	<input checked="" type="checkbox"/>
Min. Lot Width	100 FT.	76.74 FT.	NO CHANGE	<input checked="" type="checkbox"/>
Min. Lot Depth (Average)	100 FT.	123.84 FT.	NO CHANGE	<input type="checkbox"/>
Min. Front Yard Setback	25' OR PREVAILING	28.80 FT.	NO CHANGE	<input type="checkbox"/>
Min. Side Yard Setback (Left)	8 FT.	22.8 FT.	10.00 FT.	<input type="checkbox"/>
Min. Side Yard Setback (Right)	10 FT.	23.3 FT.	14.74 FT.	<input type="checkbox"/>
Min. Side Yard Setback (Combined)	18 FT.	46.1 FT.	24.74 FT.	<input type="checkbox"/>
Min. Rear Yard Setback	25 FT.	70.1 FT.	25.73 FT.	<input type="checkbox"/>
Max. Building Coverage	40%	9.7%	34.2%	<input type="checkbox"/>
Max. Impervious Coverage	70%	16.8%	45.0%	<input type="checkbox"/>
Max. Height	35 FT./3 STY. MIN. 2 STY.	1.5 STY.	2.5 STY.	<input type="checkbox"/>

**B. Describe below the nature of the constraints imposed by the physical characteristics of the property.**

The property is an existing isolated undersized lot, containing a nonconforming use, which is in a neighborhood of similar undersized lots.

**C. Describe below any other exceptional conditions of the property that prevent the applicant from complying with the Zoning Ordinance.**

N/A

**D. Describe below how not granting this variance request would impose difficulties or undue hardship upon you.**

As discussed in the attached Narrative, not granting the variance would prevent replacing the existing nonconforming use with a fully conforming conditional use.

**E. Describe below how the granting of the variance request will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance.**

As discussed in the attached Narrative, the applicant is replacing a nonconforming use with a fully-conforming conditional use on an existing nonconforming undersized lot, which is consistent with the other existing lots in the neighborhood.

**6. Request for Conditional Use Approval / Use Variance**

**A. Describe below the specifics of the request.**

Two family detached dwellings are a conditional use in the B-3 Zone. As set forth in the attached Narrative, all conditions are met.

**B. Describe below the special reasons which exist that support the granting of the request.**

N/A - all conditions are met

**C. Describe below how the public interest will be served by the granting of the request.**

N/A - all conditions are met

**D. Describe below what circumstances exist or what measures will be taken to ensure that, if the request is granted, the surrounding property owners will experience no adverse impact or undue burden.**

N/A - all conditions are met

**E. Describe below how the granting of the request will not result in substantial detriment to the public good nor substantially impair the intent and purpose of the Zone Plan and the Zoning Ordinance.**

N/A - all conditions are met

**7. Correspondence**

**A. Person to be contacted in regard to all matters pertaining to this Application** (If other than Applicant)

First Name STEVEN Phone 732-636-6076  
Last Name TRIPP, ESQ. Phone \_\_\_\_\_  
Street Address 90 WOODBRIDGE CENTER DRIVE Fax \_\_\_\_\_  
City / State WOODBIDGE, N.J. Zip 07095 Email stripp@wilentz.com

**8. Verification and Authorization**


I, THE UNDERSIGNED, HEREBY MAKE APPLICATION FOR AN APPLICATION FOR DEVELOPMENT ONLY FOR THE LOCATION AND THE WORK DESCRIBED HEREIN AND CERTIFY TO THE ACCURACY OF THAT INFORMATION. I ACKNOWLEDGE THAT IT IS MY RESPONSIBILITY TO BE AWARE OF AND COMPLY WITH ALL ZONING REQUIREMENTS OF THE BOROUGH OF METUCHEN RELATING TO THIS APPLICATION. I UNDERSTAND THAT FAILURE TO PROVIDE ACCURATE INFORMATION OR TO COMPLY WITH ANY PROVISIONS OF THE APPLICATION RENDERS IT NULL AND VOID AND MAY RESULT IN AN ENFORCEMENT ACTION.

CONSTRUCTION OF IMPROVEMENTS WILL NOT BE COMMENCED AT THE ABOVE LOCATION UNTIL THE APPLICANT/OWNER IS IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS REGARDING ZONING AND PROPERTY MAINTENANCE AS DEFINED BY THE CODE OF THE BOROUGH OF METUCHEN. THIS APPLICATION AND ASSOCIATED APPROVALS DO NOT WAIVE ANY OTHER RESTRICTIONS OR REGULATIONS IMPOSED PRIVATELY OR BY LAW.

**A. Applicant's Verification**

I HEREBY CERTIFY THE STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE.

Name STEVEN FOX, Managing Member Date JAN. 15, 2021

Signature 

**B. Owner's Authorization**

I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY DESCRIBED HEREON AND THAT I CONCUR WITH THE DOCUMENTS PRESENTED TO THE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT. I HEREBY AUTHORIZE THE APPLICANT TO SUBMIT THIS APPLICATION FOR DEVELOPMENT.

Name STEVEN FOX, Managing Member  
FOX & FOXX DEVELOPMENT, LLC Date JAN. 15, 2021  
(SEE ATTACHED POWER OF ATTORNEY)

Signature 

Telephone & Fax Number: 732-819-9199 732-819-9229

**POWER OF ATTORNEY**


**WHEREAS, RICHARD SIA**, (hereafter referred to as "owner") is the record owner of the real property located at **29 HALSEY STREET**, in the **BOROUGH OF METUCHEN, MIDDLESEX COUNTY, NEW JERSEY**, and also being known as **BLOCK 144, LOT 8** on the official tax map of the Borough of Metuchen, Middlesex County, New Jersey, (hereafter referred to as "premises"), and

**WHEREAS**, the "owner" is under contract with **FOX & FOXX DEVELOPMENT, L.L.C.** (hereafter referred to as "developer") for the purchase of said "premises" described above, and

**WHEREAS**, the "owner" desires to grant authority to the "developer", and/or its' agents, representatives and/or assigns, authorization to prepare, sign and submit documents, plans and applications as may be required for approvals with all governmental inspectors, agencies, bureaus, and departments in furtherance of obtaining Site Plan approval involving the "premises" described above ,

**NOW THEREFORE**, the "owner" appoints the "developer" authorization and authority to sign any document necessary to obtain permits, authorizations, grants, and similar approvals from any governmental inspector, agency, bureau, or department in relation to the Site Plan application for the "premises" described above.

This power of attorney shall not be revoked or otherwise affected by subsequent disability or incapacity of the principal or by lapse of time.

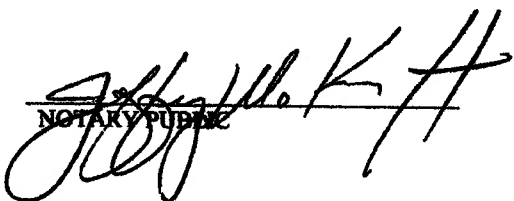
Date: 10/30/2020 

STATE OF NEW JERSEY

: ss.

COUNTY OF MIDDLESEX

On this 30<sup>TH</sup> day of OCTOBER 2020, before me personally appeared RICHARD SIA, who I am satisfied is the person named in and who executed the within instrument, that he thereupon acknowledged that he signed and delivered the same as his act and deed.

  
NOTARY PUBLIC

**JEFFREY W KRAEFT**  
**NOTARY PUBLIC**  
**NEW JERSEY**  
**MY COMMISSION EXPIRES 1-5-22**  
**NO. 35588**