

**CITY OF NEW BRUNSWICK
PLANNING BOARD
OCTOBER 7TH, 2019
MINUTES**

MEETING LOCATION:
CITY COUNCIL CHAMBERS
CITY HALL, TOP FLOOR
78 BAYARD STREET
7:30 p.m.

I. ROLL CALL

√	Jeff Crum (Chairperson)
	David Fitzhenry (VC)
√	George Chedid
√	John Petrolino
	Robert Cartica
√	Manuel Casteneda
√	Clary Barber (Class I)
√	Chris Stellatella (Class II)
√	Suzanne Sicora-Ludwig (Class III)
√	Dale Vickers (Alternate #1)
√	Yelitssa Checo (Alternate #2)

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE PREVIOUS MONTHS' MEETINGS

August 12th Meeting

Motion to Approve:

√	Jeff Crum (Chairperson)
	David Fitzhenry (VC)
√	George Chedid
√	John Petrolino
	Robert Cartica
√	Manuel Casteneda

√	Clary Barber (Class I)
√	Chris Stellatella (Class II)
√	Suzanne Sicora-Ludwig (Class III)
√	Dale Vickers (Alternate #1)
√	Yelitssa Checo (Alternate #2)

September 9th Meeting

Motion to Approve:

√	Jeff Crum (Chairperson)
	David Fitzhenry (VC)
√	George Chedid
√	John Petrolino
	Robert Cartica
√	Manuel Casteneda
√	Clary Barber (Class I)
√	Chris Stellatella (Class II)
√	Suzanne Sicora-Ludwig (Class III)
√	Dale Vickers (Alternate #1)
√	Yelitssa Checo (Alternate #2)

VI. PUBLIC HEARINGS

A. AMENDMENTS TO FRENCH-PROSPECT REDEVELOPMENT PLAN Planning Board review of the proposed amendments to the French-Prospect Redevelopment Plan

Dan Dominguez: We will be changing the height requirement for Block 28. The lot is between Prospect, Somerset, and French. It has a ground floor parking lot on the Somerset side and a parking structure in the back. The changes would be to all a construction height of up to 250 feet. Block 28 was called out by the Redevelopment Plan. The underlying zone only allows for a height of up to 150 feet. The ground floor parking lot is being considered for redevelopment here. Instead they are considering the possibility of going negative as they may go above the sidewalk on two frontages and create a pedestrian walk for an internal skywalk connecting this hypothetical building on this parking lot to the rest of the campus across plum street.

Jeff Crum: Before you go any further, Just to help orient some of us who do not have a visual. We are talking about the area between Somerset and French Street, and

Plum sort of divides the redevelopment area. And then there is Prospect Street to the west. And so when you say that the building will be negative to the sidewalk, we are not losing any sidewalk correct?

Dan Dominguez: Correct, we will not be losing any sidewalk. These are air rights easements, there are no streets or sidewalks that being affected.

Jeff Crum: And can we make sure that the plan reflects that?

Dan Dominguez: The amendment has not been worded out, but when we go to write it out, we can make sure that it states that.

Dan Dominguez: We are considering a after change out of the different medical and medical adjacent office types for the parking requirements. Currently the plan calls for 1 space for every 200 sq. ft. of gross floor area. Our zoning code for regular medical offices is actually 1 space for every 250 sq. ft. of gross floor area. It also allows for two 525 feet of laboratory space and 400 for general office. Averaging out to 391, the goal here would be to round up to 400 sq ft of gross floor area per parking space.

Jeff Crum: This is really a small undeveloped site next to a gigantic parking structure attached to the block.

Dan Dominguez: The structure across plum street is also used as parking.

Jeff Crum: I am wondering if, through some type of shared use agreement, if this is going to be a private developer that is building hospital space, do we even need additional parking space?

Dan Dominguez: Well additionally, if we just jump ahead to the last page, I have added, for clarities sake, that the redevelopment plan also calls for parking to be located on the redevelopment area. However, there are a number of projects that have presented before the Board to relieve the on-site parking requirement by proving parking in an off-site location. Depending on if the Applicant can present valid parking and traffic studies in the area. This project would also be able to do the same. And currently, the block for the plan has a lot line FAR of 8.00:1 as allowable. Most of the blocks have been developed with parking structures and these structures do typically count towards FAR. And this is what we wanted to have a discussion with the Board about. Whereas the choices would be to either increase the block line FAR to 20.0:1 as allowable to allow this development to occur or to just increase the FAR for that particular site. I wanted to revert to the Board to get your opinion on which way we should amend this portion of the redevelopment plan with respect to the design aspect. Ultimately, this is essentially the last part of this redevelopment. Therefore, the city feels flexible in terms of granting a greater FAR then we have approved already, also because there is already numerous parking structures adjacent to the site. It does become problematic to actually build anything without going significant with the FAR. And those are the changes that we are requesting.

Jeff Crum: Any other questions or discussion on the FAR issue?

Aravind Aithal: Chairmen, just for clarification and so that the Board members understand. When there is an amendment to a redevelopment plan, it is the city council that refers to the planning board because the planning board has such high expertise in this area. Those recommendations are then put in the form of a

correspondence to the governing body. The planning board does not have the legal obligation of adopting the amendment, only the governing body can. You can either accept, reject or make modifications to the amendment. Such as noting that air rights are being developed onto, not the actual right of way that it would encroach upon.

Jeff Crum: As to the FAR, I have no objection to this. From a community perspective, the existing lot is underutilized as there is a surface parking lot right next to a huge parking deck. So to encourage development on the block the best way to do so is through infill development with the most flexible requirements as possible for development on that site, this I would be in favor of. I think that having an FAR of 25.0:1 would be acceptable, but I also have no objection to the other option.

Planning Board Member: So that modification just kind of runs with the land so if there is a change of use later on, The FAR of 25.0:1 would stay.

Dan Dominguez: No once the redevelopment plan is finished, any further development afterwards would revert back to the underlying zoning.

Planning Board: So there can't be any other changes to the use of land other than what is currently there and after this it would be 25.0:1. Afterwards, when the project is done, any other developments on the area will use the underlying zoning.

Dan Dominguez: Correct, the designated redeveloper would be working under those parameters. They could come to the Board for site plan approval for such a change.

Planning Board: But we approved it at 25.0:1, so how does that work?

Jeff Crum: It can still go back to the Zoning Board.

Planning Board Member: So they would still need to go before Zoning Board even if we approve this change.

Jeff Crum: Yes, I believe it is a "d" variance that they would need to apply for.

Aravind Aithal: In addition, this is in a redevelopment overlay zone. Which means that you essentially have two zones here. You have the underlying zoning of which its regulations would be applicable and which is..

Dan Dominguez: DHI

Aravind Aithal: ... and then the overlay zone which is what this Board is referring back to the governing body. A developer can come and use either one of those. For example, If there is a standard that they cannot meet, they can come back before the planning board and ask for the deviation. If there is a "d" variance, this is one of the events that we are trying to avoid because only the Zoning Board can give such a relief.

Planning Board Member: Thank you for that clarification. I have another question regarding if there are any specific ramifications for applying the change in the future and if it had an impact then, you couldn't rescind if a different body states it.

Aravind Aithal: Another board, in this case another planning board, could actually come in and use the redevelopment plan.

Jeff Crum: My only other comment would be to further strengthen the parking situation, is to add something to the effect of encouraging parking off site. And to make sure that it is clear that the intent is not to build parking on this pretty small lot.

Dan Dominguez: Right and there is a parking structure right on Plum Street and across the street as well. As well as some parking spaces available at the gateway building which is not too far off from this site. So there are options.

Jeff Crum: Right, and the last thing we need is more parking structures. Even though everytime I drive downtown, I can never find parking.

Public Comment:

Charlie Kratovil: I live on Suydam Street in New Brunswick, so the French/ Prospect is of interest to me and I thank the city for taking another look at as I found some interesting things about this. But first of all, I just want to receive clarification that since the redevelopment plan only lasts for 30 years, if the redevelopment plan is amended does it add another 30 years from the day of the amendment?

Planning Board Member: Yes that is correct.

Charlie Kratovil: So this gives another 30 years for potential redevelopment for this site? Mr. Chairmen thank for the issues that you addressed. I also wanted to ask if this is being done by a private developer that is going to do something like housing or something, and then sell it to a hospital for expansion.

Dan Dominguez: The intent that we got from the designated redeveloper, conceptually, is that they are seeking to develop this site for medical and medical office adjacent use and general normal office space.

Charlie Kratovil: I also, just for those who do not know, the reason that this block is the way it is happened because the redeveloper, called AST Development, promised to deliver a few with this block and the entire block was destroyed along with the last Hungarian Restaurant in the city, a Chinese restaurant, and the sad thing is that they were where that ground floor parking lot is now. They never built what they set out to build and for a few years it just sat there. Then the parking authority got a hold of it. One thing is that the person that broke their promise wants to help make for it. But I do not have any authority or power, so I am just going to share my opinions on the existing redevelopment plan. Map number 7 talks about adding a crosswalks to allow for easy crossings which should have been built a decade ago, this was only built on the Plum Street side. They added a giant parking garage but we had to fight to get a crosswalk there which was only put on the plum street side and it is still very difficult to cross with limited signalization and no crossing traffic lights.

Planning Board Member: If I may, the develop does not have a say over how the state develops the street.

Charlie Kratovil: But the developer does provide funds to improve the intersection. All I am saying is that if the state had received funds to improve the signalization, they might have done it already, we don't know. They broke their promise.

Aravind Aithal: The state has exclusive responsibility to listen to this board. Therefore the board could put in a request with this state. But any modification to that road which the developer wants to do to that road would have to go through the state.

Jeff Crum: Also, I am not sure that any of us have the institutional knowledge, but since this was developed I do not think it is fair to say that the developer failed to comply with their obligations because of this.

Charlie Kratovil: It was not a complete loss because there were many aspects that the developer did comply with. However, I am just saying that I wish that the developer could have taken a better approach at fixing the intersection. Also I understand that this developer is asking you to double the height allowed for the building. If we take a look at page 15, in the section regarding accessibility it notes that one of the conditions that the Board had to comply with was to include a publicly accessible pathway on Block 24.01 between French and Somerset. This pathway shall be ADA compliant and comply with NJ fire and safety requirements. In any way the pathway shall be signed to designate that the path is publicly accessible. However, I was never really able to find where it was. Thanks for all of you bringing this up, I found it, if you there you will see an elevator that is out of service next to a set of stairs. And if you go up the stairs, there is a nice little park next to the Children's Hospital it is very beautiful and is accessible to the public. However, when you get to Somerset on the path that you are supposed to be able to path through, I called the hospital and found out that the path used to be open 24 hours, however someone comes towards the end of the night now and locks those doors. Before the elevator was taken out of service, I have actually seen the conditions of that elevator and it is disgusting. This is not fair to someone with mobility issues. I am very concerned about this. I really think that this is the least that we deserve from the people that are building in our redevelopment areas. Aside from that I just want to advise to be very spectacle of the intent of the developer.

Jeff Crum: I just want to comment there that this is not being removed from the plan. There is no intention to remove it, however I do think that it worth looking into this issue and seeing how the condition was put into place. And looking into whether this public access was supposed to be only open certain hours of the day, or if it was to be opened 24 hours a day. And in the future, even memorializing that on a future application.

Charlie Kratovil: I just want to add that there is really no time of day where there is an ADA compliant accessibility through the site.

Dan Dominguez: The only thing I would say is that I have no problem with the accessibility of this pathway. This developer is somewhat related to RWJ, RWJ seems to own this pathway so we might not have the authority to change that. But it is worth looking into. And I will get on that and relay that information back to the planning board as to when this application was created. And we will go from there.

Jeff Crum: Any other comments?

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V. OTHER MATTERS OF INTEREST TO THE PUBLIC

B. CITY OF NEW BRUNSWICK MUNICIPAL PUBLIC ACCESS PLAN Planning Board consideration of the Municipal Public Access Plan for adoption as an official component of the Parks, Recreation and Open Space Element of the Master Plan scheduled for November 18, 2019

Dan Dominguez: What happened was that at the September 9th meeting, we possibly set the second Monday of November which is Veterans Day. However, the third Monday of November is the day that we are actually scheduled to meet. So we will be resending out all the notices.

Jeff Crum: So its just the schedule change.

Dan Dominguez: Yes

Jeff Crum: Do I need to take any action?

Aravind Aithal: No, Its just a notification.

Jeff Crum: Ok, Are there any other discussion items?

Jeff Crum: We could talk about that we do have a vacancy for the VC right now and what is the way we want to approach that.

Aravind Aithal: Yes, the Board can either discuss how they plan to fill the vacancy or save it as a November item.

Jeff Crum: Ok, lets save it for the November Meeting where we will make a nomination and take a vote for vice chair.

Jeff Crum: Any other discussion items?

Jeff Crum: Seeing None, Are there any other public comments?

Charlie Kratovil: Could I get the date of the next TAC meeting?

Dan Dominguez: It's the third meeting, but there is no minor site plan. So I told Burt to put a cancel on the meeting.

Charlie Kratovil: Does the TAC meeting do any resolution of memorialization?

Dan Dominguez: I spoke to someone about this over the phone and I was not sure because the answer was vague.

Charlie Kratovil: Since one of the members of the Board is running for office and potentially going to be serving as a freeholder, is it legal for a freeholder to also serve on the Planning Board?

Aravind Aithal: I am not aware at this time that any member is serving as a freeholder. But there is no conflict of interest. It is difficult to enforce people to honor their commitments.

VI. ADJOURNMENT