

**CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT
OCTOBER 28, 2019
MINUTES**

**MEETING LOCATION:
CITY COUNCIL CHAMBERS
CITY HALL, TOP FLOOR
78 BAYARD STREET
7:00 p.m.**

I. ROLL CALL

√	John Cox (Chairperson)
√	Ivan Adorno (VC)
√	Michael Belvin
√	Sue McElligot
√	John Zimmerman
	Charlotte McNair
√	Evelyn Azcona
	Nancy Coppola

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETINGS ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE PREVIOUS MONTHS' MEETINGS

1. JULY ZONING BOARD MINUTES

Approved by unanimous voice vote

2. AUGUST ZONING BOARD MINUTES

Approved by unanimous voice vote

3. SEPTEMBER ZONING BOARD MINUTES

Approved by unanimous voice vote

V. COMMUNICATIONS AND REPORTS

Resolutions of Memorialization

- 1. GLORIA LEGACY, ZB-2017-20, Site plan application with use and bulk variances for the construction of a rear addition to a mixed-use building at 296 Lee Avenue, Block 259, Lot 7, Zoning District: R-5A (Mark S. Shane, Esq.)**

Motion to Approve

First: Ivan Adorno
Second: Sue McElligot

√	John Cox (Chairperson)
√	Ivan Adorno (VC)
√	Michael Belvin
√	Sue McElligot
√	John Zimmerman
	Charlotte McNair
	Evelyn Azcona
	Nancy Coppola

2. **UNIVERSAL PROPERTY SERVICES**, ZB-2019-07, site plan & use variance application for the conversion of a gasoline station/auto repair/retail use into a gasoline station/retail use at 127 Easton Avenue, Block 71, Lot 29, 31, & 33. (David Himmelman, Esq.)

Aravind Aithal (Board Attorney): I received correspondence from the attorney Mr. Himmelman asking that the resolution not be memorialized. They wish to reschedule for the November meeting. At that November meeting, with re-notification and publication to the general public, they'll be making a request for reconsideration of the condition of the prior approval. The Board members recall, one of the conditions of approval was that all vehicles parked on the site be removed. The applicant made a representation to the Board that they would be moved the next day, they were not moved the next day. So technically there was a violation of that condition of the approval. He would like to explain their why cars were still parked on the site. It is my understanding that the cars were moved as of today. But again, it is for the Board to consider the applicant's request to amend or remove the condition of approval.

John Cox (Board Chairman): But right now, we put that in as a condition. Was that lot ever approved as a parking lot?

Mr. Aithal: No.

Mr. Cox: So, he was just in violation of zoning before we even came.

Mr. Aithal: He voluntary agreed to put that as a condition that the cars should be moved the next day.

Mr. Cox: Right.

Mr. Aithal: Since that was not done, he must come back before the Board and deal with the zoning violations in court. In doing so, he will need to explain to the Board.

Mr. Cox: Do we need to make a motion on this?

Mr. Aithal: No, we need to grant an extension of time in order to carry because we have to memorialize the resolution within 45 days of the approval or they're automatically approved. He has extended that until the November date.

VI. PUBLIC HEARINGS

None.

V. OTHER MATTERS OF INTEREST TO THE PUBLIC

None.

VI. ADJOURNMENT