



**CITY OF NEW BRUNSWICK
PLANNING BOARD
NOVEMBER 18, 2019
MINUTES**

Meeting Location:
City Council Chambers
City Hall, Third Floor
78 Bayard Street
7:30 PM

I. ROLL CALL

√	Jeff Crum (Chairperson)
√	Manuel Castaneda (Nominated Vice Chairperson)
	George Chedid
	John Petrolino
√	Robert Cartica
√	Ryan Berger (Class I)
√	Chris Stellatella (Class II)
√	Suzanne Sicora-Ludwig (Class III)
	Dale Vickers (Alternate #1)
√	Yelitssa Checo (Alternate #2)

II. PUBLIC ANNOUNCEMENT

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S OCTOBER 7, 2019 MEETING

V. RESOLUTIONS OF MEMORIALIZATION

VI. PUBLIC HEARINGS

A. PAL ASSOCIATES, LLP (PB-2019-07)

Site plan and variance application for installation of signage related to the existing industrial Aaron & Company plumbing supply business and installation of two refuse enclosures. Located at 10 Industrial Drive, Block 597.01, Lot 9.01.

Aravind Aithal, Board Attorney, represented the applicant approximately a year ago. Therefore, he recused himself from this presentation. Tom Abode, Conflict Council, replaced him as the Board's attorney.

Steven Hale (Applicant's Attorney): Aaron & Company has been in business in New Brunswick for 40 years. We are proposing a fairly simple application for upgrades to the

signage. We have gone through the TAC. No changes are being proposed to the existing operation and the location of the existing entrances and egress. The proposed signage has necessitated the variance application. We have also revised the application to include the proposed enclosure of the dumpster area, and older signs and barbed wire on the fence are to be removed. Today you will hear testimony from our Engineer, Client, and from our Planner.

Jelena Balorda-Barone (Applicant's Engineer, Maser Consulting): The site is located at the intersection of Industrial Drive and Terminal Road. The site contains one structure that is used by two tenants: Planned Parenthood and Aaron & Company. There is an existing driveway that comes off of Terminal Road and there is also a drive off of Industrial Drive. As per the TAC meeting, and we have adjusted the plans to also include the two proposed refuse enclosures.

The following plans show the details of the site and the location of the proposed signage. Currently, along Terminal Road there is a parking lot that serves an entrance to a showroom, currently there is no signage along this elevation. It is on this side that we are proposing an entrance awning sign and a window sign. Also, on Terminal Road there is an existing façade sign that's proposed to be replaced. This sign will not be illuminated. There is also a new "parts counter" and "plumbing/HVAC" sign above the awning sign. This sign is an awning sign that you will see. There is also proposed signage on Industrial Drive. Currently there is an existing Aaron & Company sign that will be replaced with a new façade sign. This sign will be internally illuminated.

There are no changes proposed to the signage for Planned Parenthood. There are currently two building signs for Planned Parenthood. There are two freestanding signs. One is for Aaron Kitchen & Bath, which is located at the intersection, and one is for Planned Parenthood. Both signs to remain as they are. Both are outside of the sight lines.

Currently the dumpsters are not enclosed. Regarding the two trash enclosures, we are proposing trash enclosures measuring 9 feet by 20 feet enclosure of chain link fencing with slats. The other enclosure will take up two parking spaces, but parking requirements are still met. We do need some relief regarding landscaping around the enclosures, there is no landscaping being proposed, even though the ordinance requires a solid wall with evergreens. The chain link with slats is sufficient screening to house the dumpsters given the industrial nature of the area.

There are no truck maneuvering conflicts associated with this application. Trash pickup occurs at 6 am by a private hauler and the Planned Parenthood doesn't open until 9 am. All medical waste is stored within the building. Sign and barbed wire will be removed from the fence. We have also reviewed the Planning and Engineering Reports. Regarding the comment on ADA compliance, we felt that this is necessary as the scope of this project is limited. Regarding the comments on lighting, there is currently site lighting and building-mounted lighting. Regarding the comments on the cleaning of the catch basins and pipes, we are adding a note to the plans to address this. We will provide as-builts after the project. Regarding the construction comments, we agree to comply with all the comments. The application does not trigger the Freehold Soil Conservation District review or Middlesex County review.

Chet Wohltman (Director of Operations, Aaron & Company): I have been with the company for 25 years. I am familiar with the operations of the company. PAL owns the real estate and Aaron & Company is a supplier. We incorporated in 1932 and this is our

87th year in New Brunswick, and in this particular location at 10 Industrial Drive for four years. This application is not proposing any changes to the operations for either this company or Planned Parenthood. We are upgrading the signage for the three entrances of the building. We are revitalizing the site, an aesthetic improvement, and branding, with no change for signage for Planned Parenthood. The variance for the signage also provided us with an opportunity to propose an enclosed refuse area with a chain link fence with slats and to remove the barbed wire. The sign on the existing fence is to be removed. We will comply with all reports.

Marsha Shiffman (Applicant's Planner): The site sits on the northeast corner of Terminal Road and Industrial Drive. This is a corner lot, so it has facades on two streets. The existing building is approximately 56,000 sf built in 1978. In 1988, the building was expanded and approved a front yard setback variance of 25 feet. The largest tenant of the building is Aaron & Company. I did prepare an exhibit to understand what is being proposed (A-3), photos of the site and design sheets from the sign company. The first page shows the entrance for Aaron Kitchen & Bath Gallery, where there is basically no sign there. There is currently a wall, ramp, and windows to the right of the door. The exhibit has 13 pages. Page two shows the proposed awnings on that wall, which are simple, black Sunbrella awnings. There is LED lighting underneath that shines down, not shining into the fabric. Signs on the awnings are not permitted in the I-2 zoning district. So, we are requesting a variance for signs on the awnings. There are three awnings proposed for the Kitchen Bath Design Gallery and one for the parts counter, but it does not have signage on it. There is sign over the door and that requires variances. First, awning signs are not permitted and signs themselves on an awning have certain restrictions. On the flat face, up to 4 square feet sign is permitted, this is 3.99 square feet, which is conforming, however it does contain text. Although the sign includes names [of the tenant], I would argue that this is more of a logo. Therefore, there is a variance for that. There are also two smaller black awnings over the windows. The I-2 zone does not permit signs on the awnings. The sign itself conforms to the limitation requirements, which allows up to 16 inches of letters. The proposed letters are 7.4 inches; therefore, they are consistent with what would be permitted on an awning. The LED lights shine down, therefore there is no variance for the illumination on the awnings.

Sheet 1 shows how the building will be improved by these awnings, make it much more attractive. Page 4 shows pictures of the wall of the building, on Exhibit A-1, where the warehouse is, the entry to the parts counter. There is loading areas and storage. There is a door with a metal canopy. There is an Aaron & Company façade sign over it. Page 5 shows an upgrade at the entrance for customers with the signage. We are proposing an awning with no graphic and an Aaron & Company sign and a sign above the awning that says parts, plumbing and HVAC. Page 6 shows the façade sign improvement as a simple sign that says Aaron & Company. The sign is approximately 84.6 sf in size, which matches the existing sign. Here we are proposing sign and a band that says "Distributors of Plumbing, Heating, and Cooling Systems since 1932." The sign is slightly smaller than the existing sign. The sign has illuminated channel letters. The zoning ordinance allows the sign to be up to 100 sf. It is a replacement sign and it shows the new branding logo. Page 7 shows that the proposed sign is not lighted and totals approximately 9 sf. Both signs total 92.85 sf, therefore it is permitted. Page 8, this is the façade along Industrial Drive, there is a sign measuring 120 sf in area. Page 9, it shows the sign to be replaced with a new logo, same size with different letters showing the new branding, this sign is more than 100 sf, it is an existing sign, but it's 120 sf in size, so it requires a variance. Note that the wall is very large.

There are two other façade signs, whereas one is allowed per building. The fact that this is a corner lot, provides rationale for having multiple façade signs. Planned Parenthood currently has two façade signs, one along Industrial Drive and the other fronts on the north facing wall, on the parking lot. We would like to retain these signs for the separate use. The first sign by the door is only 8 sf and the second by the parking lot is 14 sf. The signs are not lit, so there is a variance for the number of façade signs allowed. Page 12 shows two freestanding signs that are existing on the site to be continued. The Aaron & Company freestanding sign is located at the corner of Industrial Drive and Terminal Road, and the engineer testified that it is outside of the sight triangle. The ordinance only allows for one freestanding sign, therefore there is a variance for having two freestanding signs. The ordinance permits a maximum sign area of 100 sf with a 15 ft in height and requires that they be setback 25 ft from all street lines. The Aaron sign is 30.4 sf in size and 9.3 ft in height. It is currently situated closer than 25 ft to the street line. However, it does not block any views. This sign is much smaller, so it can fit within a closer location. The other sign, the Planned Parenthood sign, shown on Page 13, is 8 sf whereas 100 sf is allowed. It is 5.9 feet in height; therefore, it is much shorter, smaller than what is allowed. It is located in the street right-of-way on grass areas between the parking lot and the sidewalk location, which works pretty well given the constraints. We would like to request this sign to be continued in place as well. So those are the sign variances.

There is also a variance for the refuse storage area. There are existing dumpsters along Terminal Road. An enclosure with 6 ft high chain link fence and slats are proposed to screen the dumpster containers. We are also proposing to enclose the dumpsters in the Planned Parenthood parking lot, to make it much more attractive instead of being out in the open. The variance is because the refuse area is not screened by a wall and no landscaping is being proposed, only a fence because it is not feasible to tear up the concrete to put evergreens that most likely will not survive due to the traffic. It will be an improvement over existing conditions.

We also have a number of nonconforming conditions, where a 35% building coverage is permitted and 38.8% is existing. Same thing for impervious coverage, 85% is permitted and 91.7% is existing. A variance was granted by the Planning Board in 1988 that permitted a 25ft setback. The side yard abuts the waste management facility and is 14.8 ft existing.

These variances can be classified as “c(2)” variances, were really looking at design standards, not bulk standards, for the signs and trash receptacle screening. The benefits include overall improvements to the site in the form of wayfinding for three businesses. The signs on the fencing are to be removed. The signs are promoting the brand of the business. They meet the purpose of the I-2 Zone, which is to provide for the expansion and preserve the integrity of the existing industrial uses through the redevelopment of vacant and underutilized lands and the adaptive reuse of smaller properties into larger industrial sites. There is a reduced setback can be adequately accommodated by the smaller sign size than the 100-sf allowable. The screening of the refuse areas is going to improve the overall aesthetics of the site. This meets at least two purposes of zoning: 1) to guide appropriate use, which promotes the health, safety, morals of the general welfare and 2) to promote a desirable and visual environment. Therefore, the variances can be granted without substantial detriment to the public good, it does not impact the neighborhood. The application is consistent with the I-2 Zone. It supports three business uses on the site which requires identification. The corner lot conditions merit special considerations.

Open to Board Comments

Suzanne Sicora-Ludwig: The signs are aesthetically pleasing and will help customers.

Bob Cartica: Can the Board approve the retention of a sign in the right-of-way?

Todd Bletcher (Board Planner): The Board does not have the ability to grant an approval for a sign in the municipal right-of-way. Most likely this will need to be heard and decided upon by the city council. You could write a recommendation to the city council.

Open to Public Comments: None

Motion to Approve: Suzanne Sicora-Ludwig
Second: Ryan Berger

	YES	NO
Jeff Crum (Chairperson)	√	
Manuel Castaneda (Nominated VC)	√	
George Chedid		
John Petrolino		
Robert Cartica	√	
Ryan Berger (Class I)	√	
Chris Stelatella (Class II)	√	
Suzanne Sicora-Ludwig (Class III)	√	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	√	

Unanimously Approved

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.

Dan Dominguez (Acting Director, DPCED): We would like to allow Heather Fenyk to provide more information on the Municipal Public Access Plan (MPAP) since she had more involvement in its creation than I did, and possibly more than Glenn and Mark did as well.

Aravind Aithal rejoins Planning Board Meeting

Heather Fenyk (New Brunswick Environmental Commission Member): The plan has been in the works since 2013, when the grant writing efforts kicked off. This was in association with something called a coastal vulnerability assessment that addresses how to deal with coastal flooding. This plan provides a better understanding of waterways both in terms of resilience activities, but also of public access opportunities to public waters. In 2013, we started grant writing and submitted a proposal to the New Jersey Department of Environmental Protection where we secured somewhere around \$15,000 dollars to develop the reports. The CDA was a process that was developed with a number of municipal staff at the table to rally the information that can then go into a public document for FEMA.

The following plan will give the city points or credits, to be in FEMA's good graces, to deal with flooding issues.

This concept of having access to public waters has existed since Roman times. As the New Brunswick waterfront is a coastal waterfront, the DEP is availing all coastal communities of monies to develop this access plan to encourage access. We started things off in 2014, with a Coastal Vulnerability Assessment, and also with developing this access plan which includes an analysis of water qualities in the town, including tidal waters and access points and those with handicapped accessibility. For the public access points, we cataloged the amenities at each of the sites to determine if the existing conditions were sufficient to allow for access to really what is a hidden water body, because Route 18 separates us from it. The developed plan was approved and vetted by DEP in 2016. The plan has sat on their desk for 6-8 months. It came back to us in 2017 ready to go to be approved by you and we have been waiting for it to get on the agenda to present this in front of you all. What this plan does is it catalogs the amenities that would encourage folks or give guidance to the public right, our waterway, and makes suggestions of amenities that can facilitate access both for able bodied and ADA accessible purposes, as well as signage recommendations and additional amenities. Therefore, it is in the city's best interest to adopt it into the Open Space Plan.

Open to Board Comments

Mr. Cartica: Will the plan make us eligible for funding?

Ms. Fenyk: Yes, it prioritizes funding for the city through DEP. In 2013, the city entered into an agreement with the New Jersey Department of Environmental Protection that the report would be approved. Therefore, if this is not approved, grant money will need to be re-paid back to DEP. And this has been approved by a number of municipal staff, planners, and the mayor has reviewed this. This has been an environmental commission initiative, that also pushed for connectivity in creating parks as well as the creation of the Parks and Gardens Commission. We have pushed for things like the Open Space Trust Fund. It's a part of the bigger picture about improving environmental conditions for the health and wellness of the community in terms of environmental beauty, but also access. It is one thing to have a beautiful environmental, and it is another thing to make sure everyone has access to it as their right.

Mr. Cartica: And this will be incorporated into the Master Plan?

Ms. Fenyk: Yes, it will be incorporated into the Open Space Section of the Master Plan, as suggested by Glenn Patterson.

Ms. Sicora-Ludwig: Is this a recommendation from this Board to the Council?

Mr. Dominguez: No, this is an amendment to the Master Plan.

Mr. Aithal: This was referred to the Board from the City Council to make the recommendation to adopt. Dan do you know when this was referred to us?

Dan Dominguez: No, I do not recall.

Ms. Fenyk: It's been awhile.

Jeff Crum: I think that this is an important step. And it is great to see this document be finalized and brought before the Planning Board. I think that this is an important element to insert into our strategic vision for the city and how we access the public elements of our community.

Open to Public Comment

Scott Brody (Resident): There was a time when I was new to the area, that I walked along the trench parallel to Route 18 and got stuck in the trench, because for security reasons they block doors along it, but you can still enter it and there is no way of realizing that the doors are locked. The question is if the plan includes a security upgrade to this type of access so that the exits are not blocked for security reasons, like if someone is following you.

Mr. Crum: That is a logical Conclusion. Heather would you like to address this?

Ms. Fenyk: That is a part of the large-scale project that we have been putting closer consideration on. Opening up some of those thoroughfares would make a big difference.

Howard Swerdroff (Environmental Commission Member): This is a wonderful plan that utilizes resources in the city. If we can accomplish the vision that is in the plan, I think that it will make this place an even better place to live. I am in favor of this plan.

Ms. Fenyk: The incorporation of the Public Municipal Access Plan also has the potential to connect to other amenities like the existing greenway connection along the D&R canal, and the potential for a missing link bridge over the spillway.

Motion to Approve: Manuel Castaneda
 Second: Ryan Berger

	YES	NO
Jeff Crum	√	
Manuel Castaneda (Nominated VC)	√	
George Chedid		
John Petrolino		
Robert Cartica	√	
Ryan Berger (Class I)	√	
Chris Stellatella (Class II)	√	
Suzanne Sicora-Ludwig (Class III)	√	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	√	

Unanimously Approved

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charles Kratovil: Who is Ryan Berger replacing?

Mr. Dominguez: He is replacing Clary Azcona-Barber in preparation for her role as Freeholder.

Mr. Kratovil: Would the Board reconsider a previous approval if previous conditions were not met?

Mr. Aithal: If this is regarding a specific application, I do not think it is appropriate to talk about it here. If this generic, then there is an entire seminar we could provide on the matter from the Municipal Land Use Law.

Mr. Kratovil: How about a third-party resident asking for a request to reconsider?

Mr. Aithal: I am not aware of any way that a non-applicant can start a reconsideration.

Mr. Kratovil: Well, I encourage the Board to reconsider approval of the Child Specialized Hospital access in 2004, the French Prospect Redevelopment Area. The developer misled you. The applicant testified that an interior walkway connecting French Street with Somerset Street would be a public walkway with ADA compliant standards, with signage. Still no public walkway here, after the last time I brought it up. The elevator has been closed for years. RWJ closed several streets and as a condition they testified that there would be an interior public walkway. The interior walkway is not very big, and it's not open on nights and weekends. There is an automated locking system. It's not clear you can use it. There are also stairs that take you up to the courtyard. It is not ADA compliant, since the elevator doesn't work. They violated the redevelopment plan that this Board trusted them to abide by. There is also missing signage and the elevator is not working. The redevelopment plan also does not specify the hours of operation of the walkway, but it should be open. I am going to keep bringing this up. It is an obstacle for the community. The public walkway was acknowledged in the redevelopment plan. What was supposed to happen, did not happen. So, I would like to hear if the Planning Director has made any progress on this and I would like to hear from the Board members.

Mr. Crum: Thank you for your continued advocacy. Nobody on this Board was here when the original redevelopment plan was voted upon, however if the Board at the time voted for the public interior walkway, then we appreciate the additional information that you have provided us with. So, we will let Dan provide any update that he can.

Dan Dominguez: So, I actually went out there myself and unfortunately, I can corroborate everything that Charlie just said. The elevator is fully off, in the sense that all power is turned off. We will address everything that Charlie just said. I am not sure during nights and weekends, or the elevator. There is currently a lack of signage, and Keith Jones and I are looking into contacting the right people at RWJ/ Rutgers. The only way to get to French Street from the building is by stairs, so the elevator is necessary to make it ADA accessible. We will look into this.

Mr. Crum: You have the support of the Board to keep bring this up to ensure that this issue is being addressed. We are taking this matter very seriously and we will provide as much administrative support as we can.

Ms. Sicora-Ludwig: As a City Council Member, I can also testify that we are serious about correcting this issue.

VII. DISCUSSION ITEMS

A. Nomination of Vice Chairperson: Manuel Castaneda

Motion to Approve: Suzanne Sicora-Ludwig

Second: Chris Stelatella

	YES	NO
Jeff Crum	√	
Manuel Castaneda (Nominated VC)	√	
George Chedid		
John Petrolino		
Robert Cartica	√	
Ryan Berger (Class I)	√	
Chris Stelatella (Class II)	√	
Suzanne Sicora-Ludwig (Class III)	√	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	√	

Unanimously Approved

VIII. ADJOURNMENT