



**CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT
NOVEMBER 25, 2019
MINUTES**

Meeting Location:
City Council Chambers
City Hall, Third Floor
78 Bayard Street
7:00 PM

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S OCTOBER 28, 2019 MEETING

V. RESOLUTIONS OF MEMORIALIZATION

VI. PUBLIC HEARINGS

1. 3 AMIGOS, LLC (ZB-2017-14)

Site plan and variance application for the construction of a third- and fourth-floor addition to the existing mixed-use building located at 205 Hamilton Street, Block 57, Lot: 62.05. Zoning District: R-5A (*James F. Clarkin, Esq.*)

James Clarkin (Applicant's Attorney): The following application is for the expansion of the existing mixed-use building. There is an existing laundromat on the first floor. There are residential apartments on the second floor and we are proposing to add a third and a fourth floor, with four residential units on each floor. This will total 12 residential apartments. The site is unique in that it is deep and oversized. There is a large parking lot in the rear of the property with 24 spaces, which is a very generous amount for the Hamilton Street corridor. Many bulk standards are not met, just like many properties along Hamilton Street. None of the

non-conforming bulk standards will be exacerbated by this application. The existing mixed use is not a permitted use in the R-5A Zoning District, which this property is situated in. Therefore, a d(2) variance is being requested, as well as for FAR. A parking variance is also required. It is important to note that most people that frequent the laundromat do so by foot.

William Doran (Applicant's Architect): Exhibit A-1 denotes the building material, which is mix of brick and cement board siding, with a stucco cornice at the roofline, and a metal awning above the retail. Storefront glass on the first floor. The entire building has black colored frames. The other three sides of the building will have cement board siding. All windows will be replaced for regular windows, the glass block windows will be removed. At the staff's request, we have eliminated the stucco, except for cornice. They vinyl will be removed. The existing second floor has four two-bedroom apartments. We are going to modify two of them into one-bedroom units, so that we can add stairs to the upper floors. The upper floors each have two two-bedroom apartments and two one-bedroom units. The entire building is about 30 to 40 feet in height. On the side elevation and the rear, we are proposing to take off the vinyl siding, replace with cement board and install windows with black frames. We are proposing façade signage on the front façade with block lettering, of which the size conforms to the ordinance. The sign will be lit from within the awning.

Ronald Sadowski (Applicant's Engineer): The site is located on 205 Hamilton Street. It is 18,075 square feet, which is twice the size of the requirements for lot area in the R-5A zone. There is a laundromat on the first floor, with four two-bedroom units on the second floor. We have provided a colorized rendering, marked A-2. We are proposing to convert the second floor into two two-bedroom units, and two one-bedroom units and we will continue that on the third and fourth floors.

The site plan shows additional landscaping that will be provided, I've colored some trees along the perimeter of the property. There are 24 parking spaces. We are also proposing to enclose the refuse area, having them located behind the building away from adjoining residential properties. The existing lighting is to remain. There is one ingress and one egress through the parking lot. There are no changes to grades, drainage, or to the curbing that exists along the parking lot. There are two existing ADA parking spaces that will be signed. There is a direct pathway that connects the parking spaces to the ADA ramp. The garbage will continue to be taken out by a private hauler that enters the site, empties, and exits the site. I do not see any issue with interior traffic circulation. I would like to address some points on the November 22, 2019 letter that was already submitted to the Board relating to trash removal.

Regarding the Bignell report from November 18, 2019, from paragraph nine, we will obtain all necessary approvals. We will also update the plans to show house shields to reduce the spillover onto neighboring residences. For Item D, we are in the process of obtaining a cross access easement agreement with the owner of the property to the west of the site for the shared driveway. The owners are currently in Greece and we are waiting for them to get back, however they have agreed to sign it. We will use all commercially available means to execute the agreement. As for the parking deficiency, I did go out and conduct parking counts on four separate occasions. Between 7:30 am and 9:30 am, 4:00 pm and 6:30 pm, on two Saturdays

at 10:00 am, 4:00 am, and 2:00 pm. There was a maximum of about six spaces that were occupied. We are proposing shared parking spaces. Even though, cumulatively, the development would require 41 parking spaces, where the laundromat would require 18 parking spaces and the residential component would require 23 spaces, we do not actually need all 41 parking spaces because of the offsetting uses. Regarding the D&R Engineering Report, we have reviewed everything and can address all of the items. Sewer and water system analyses have been performed. No generator is being proposed, and there is no stormwater issue associated with this property.

James Clarkin (Applicant's Planner): There is a two-story mixed-use building with a laundromat on the first floor and four two-bedroom units above. The lot is 18,000 square feet. The building height is 28 feet. The surrounding land uses include single- and two-family residences, also some multi-family residential, retail, and university buildings as you approach Easton Avenue. We are proposing to expand the existing mixed-use building by adding a third and a fourth floor with renovations to the second floor, for a total of eight more apartment units, and 12 total apartment units. The landscaping, lighting, and façade improvements are all in conjunction with the existing mixed-use building, which is not a permitted use in the R-5A zoning district. We are seeking a d(4) variance for the additional FAR and a d(6) variance for height. We are also seeking flexible c(2) relief from the parking requirements. There are also some existing non-conforming bulk standards.

The site is particularly suitable to continue the mixed use, for two in reasons particular: 1) the main structure is situated adjacent and right up against the sidewalk, which promotes street life and supports an environment that is geared towards the pedestrian. It was observed that many neighbors walk to utilize the laundromat. This is the first example of particular suitability. The third and fourth story addition with apartments will add to the vibrancy of the area. The lot is long and wide, which is unique from the the surrounding lots, and it is this shape that allows for the parking lot. There will be no substantial detriment to the public good. The municipal zoning and the Master plan will not be impaired if the mixed-use is continued and expanded. The project fits nicely within the existing context of the neighborhood.

Objectives E and I of the Municipal Land Use Law will be furthered by the project. The project is promoting the establishment of appropriate population densities by providing needed rental housing in a neighborhood that has similar complexes, and the retail component will provide needed services to the community. Objective I is promoting a desirable and visual environment. There are several goals and objective of the Master Plan that will be furthered by this project. We are not converting single- and two-family homes in to apartments. We are strengthening the existing mixed use that has been integrated into the neighborhood over the years.

The use variance can be reconciled because the city of New Brunswick has embraced the benefits of mixed use.

The city has never shied away from an increase in FAR and height.

This is also not a straight d(1) variance, but rather a d(2) variance because we are expanding a non-conforming use. We are less concerned about expanding an existing non-conforming use than about adding a new use. There has been an explosion mixed use development throughout the city that has changed the character of the neighborhood. There is a need for new housing units and housing stock is getting old.

The d(4) variance can be justified in that the existing 18,000 square foot lot provides more space and can support an increase in FAR from an existing FAR of 0.41 to 0.82, as well as an increase in height from 28 feet to 41 feet where 30 feet is permitted. The lot has a wide frontage, which allows for a wide building base that can support the addition. The foundation is there for addition additional stories. There is a new residential building to the east that is 62 feet in height, which has proven that mixed use can fit within the neighborhood. Therefore, this site can accommodate the proposed development. The parking can accommodate the additional residential dwellers. There is also no substantial detriment to the public good from this development.

The parking relief can be accommodated by the flexible c(2). We were able to visit the site in the middle of September. There were about nine spaces occupied. It was evident that the parking lot is underutilized. This was at 5:30 pm when residents may have been there. There were usually no more than six parking spaces that were observed as being occupied during peak times. The site is in close proximity to a number of transportation alternatives, including public transit, Uber and Lyft, and bicycle usage, which can accommodate the additional apartment units. There are no detriments to continuing the existing non-conformities.

Board Comments: None

Todd Bletcher (Board Planner): If the second floor is currently occupied, what will happen to the tenants during the time of construction?

Mr. Clarkin (Attorney): Tenants are month-to-month and they will receive proper notice under New Jersey statute.

Mr. Bletcher: Is there any relocation that is going to be provided?

Mr. Clarkin (Attorney): All will be asked to leave in accordance with state statute. They will be given the opportunity to re-rent when the structure is habitable again.

Public Comments

Charles Kratovil: Who is the current owner of the LLC?

Mr. Clarkin (Attorney): The Camamis family.

Mr. Kratovil: Will the laundromat be kept open?

Mr. Clarkin (Attorney): Yes, the laundromat will remain open, we think we can do it.

Mr. Kratovil: Is there a timeline for when construction will begin?

Mr. Clarkin (Attorney): Yes, we anticipate sometime in the spring.

Mitch Broder (Represents Construction Management, developed and operate 191 Hamilton): We just completed our project in June. When I testified five years ago to the Board, Hamilton Street has not seen any development for years. Our project was the first new development. Good encourages good. I fully support anyone that wants to come in and make improvements to the properties in this area. I do not see the added apartments as that much of an ask for the improvements to the site. Therefore, as a neighbor, I urge the Board to support this project.

Public Comment Closed

Board Discussion

Mr. Clarkin (Attorney): I understand that there are only five Board members present today, therefore I would like to ask the Board if they have any comments or concerns before they take a vote.

Katie Thielman-Puniello read the conditions of approval into the record.

Aravind Aithal (Board Attorney): If there is a change in tenancy from the laundromat, the applicant will need to come back before the Board.

Mr. Clarkin (Attorney): That condition is acceptable to the applicant.

John Cox (Board Chairman): What about residential parking permits? Do they get any now and would that increase with the new apartments going on top?

Mr. Clarkin (Applicant’s Attorney): I don’t know if they have them now.

Mr. Cox: My question would be, would limit it to what it is now?

Mr. Clarkin (Attorney): Yes, Mr. Chairman, we would.

Motion to Approve

First: Nancy Cappola

Second: John Zimmerman

	YES	NO
John Cox (Chairperson)	√	
Ivan Adorno		
Michael Belvin	√	
Nancy Coppola	√	
Sue McElligott		
John Zimmerman	√	

Charlotte McNair		
Evelyn Azcona	√	

Unanimously Approved

2. UNIVERSAL PROPERTY SERVICES (ZB-2019-07)

Site plan and 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): Before the presentation begins, if the Board remembers during the Zoning Board Meeting on September 23, this application was heard before the Board, and there was an approval with conditions. That approval was never reduced to a memorialized resolution. The Applicant’s attorney indicated that they wish to come back before the board and ask for a relief or deviation from the conditions of approval granted by the Board. Today, the application is back before the Board, as essentially this is a new application, with the original testimony carried over. Members of the Board that were at that meeting are here today, therefore there is no need to have a certification of who actually heard the testimony essentially because this is a request for reconsideration prior to the adoption of the resolution. There are three options that the Board members have today, one, the relief of the condition from the prior approval, second, deny the approval of the relief that they are seeking, thereby reaffirming that previous approval, in which the applicant will need to come back before this Board for resolution of that approval and third, since this is an application that has yet to be closed, the Board can still vote to deny the application, even though it is a reconsideration of a conditions of the approval. The Board looks at the entire application again.

David Himmelman (Applicant’s Attorney): I think that you have captured the essential elements one hundred percent correct. On September 23, we did present our application and the Board did approve the use, and c variances. As your Attorney indicated, we are here tonight as a request for reconsideration of one condition that was noted in the discussion and was incorporated into the approval, which your Attorney is correct, in that the resolution has not been memorialized and for the record we did grant an extension for the Board to act on the resolution. And the condition has to do with the parking of other vehicles on the property in question. There was a concern, initially raised by the Chairmen, of cars being parked from off-site, and you indicated that it was not permitted under the zoning ordinance, and that it could be a land use violation. In response to that discussion, the applicant indicated that he understood that there was that situation going on and he even testified that there was a contract agreement with the contractor that was doing renovations down the street, allowing them to park there temporarily during construction. And you, Mr. Chairman, asked if that situation was going to be rectified. And the applicant indicated yes, it will be rectified tomorrow. I am going to have the applicant testify as to what he meant by this. [There was a notice of violation issued by the city of New Brunswick for the alleged zoning violation. That violation was heard in municipal court and ultimately there was a plea agreement which the applicant did agree to pay a fine, not for the zoning violation, but for a lesser offense. I am going to let the applicant to indicate what happened in municipal court. We are here to represent to you that I would like to put the applicant on again to explain the circumstances, explaining his intention, what measures have been taken since we appeared last time in terms of enforcement to avoid cars from parking on the property, including not only the contractor, but also residents who may be parking there and not realizing that it is private property and you’re not

supposed to, and also other vehicles that have been towed away. If you allow me, Mr. Chairman, I would like to present the applicant as a witness and then we can discuss whether there needs to reconsideration of that one particular condition or how the Board would like to handle it.

Applicant is called to the stand

Mr. Himmelman: Syed, do you realize that when you made the previously mentioned comments, that you were still under oath and that the application is still active and open?

Syed Kazmi (Applicant): I do.

Mr. Himmelman: Why don't you start by explaining to the Board your testimony regarding your intent when you made those representations in order to rectify the issues discussed.

Mr. Kazmi: I appreciate all of you having me this evening. I just want to let the Board know that...

Mr. Cox: Just speak up a little louder please.

Mr. Kazmi: Sure, I just want to let the Board know that I did not have any intention to misrepresent my intentions. If it appeared that way, I highly do apologize for that. There was a comment made by the Chairman that potential action of cars being parked there is a potential violation or is a violation of the zoning law. With that comment, I did say that I will have it rectified tomorrow. I guess that it was a poor choice of words by not stating exactly what measures were going to be taken, but what I meant was that I would start the process of rectifying it as early as tomorrow. Prior to this portion of the discussion, there was the discussion on security concerns and the whole nine yards, and I did testify that you will have those implement upon the approval. When was the comment was made about the parked cars being rectified tomorrow, what I meant to say was that I was not going to wait until the approval, I was going to have that process rectified as early as tomorrow. I contacted all the contractors noting that, even though you purchase fuel from us, this is a potential breach of contract. We requested to please remove their cars. There was a notice sent out to residents using the parking spots without any connection to the repair shop, which is not in operation. Therefore, we had not been enforcing this heavily. I did inform my employees to please tell each person that tries to park on the property, that you cannot park here. Instead of saying that I was going to have the issues rectified tomorrow, I should have said that I will have the process initiated as early as tomorrow. So those were a poor choice of my words. I did not have any intent to provide misrepresentation to this Board, who is allowing me the position to advance my business in the city.

Mr. Himmelman: Now why don't you explain the exhibit that you have brought.

Mr. Aithal: Let me just mark them. *(Marks exhibits from A-5 to A-11)*

Mr. Kazmi: I did instruct to everyone who was parking there, as well as those that are purchasing fuel from us, that were using the parking spots that they are no longer allowed to do that. Once I saw that the results were not being fruitful, I went out and took caution tape, referenced as A-11, and put it on the area where people were parking to alert that this is not an area where they are allowed to park. Also, as evidence by A-10 and A-9, on

the side of the existing shop, this was cordoned off with caution tape, people kept breaking them and parking there with only one. So, I put two as referenced by A-9 and again in A-7. A-8 shows that I also put parking cones. Therefore, people are learning that this is not a place to park. After seeing that people continued to park next to the walkway, I did contract out to produce a sign, as well as to contract with a tow company by the name of Musial and Sons, a local New Brunswick towing company. The contract was initiated the very next day which included patrolling the site two times a day for cars that should not be parked on the site. So that went into effect with signs, noted in A-5, referencing four different parking areas which state that you are not allowed to park there otherwise you will be towed. The previous company that we were using were not up to par, so I went out and contracted with another company to have them be more responsive to these actions. It took some time to make the signs, because they need to be illuminated at night in case someone parks there overnight. I had the process started the very next day after the testimony. Just to reiterate on the citation, I did go and represent the company in municipal court where I spoke to the prosecutor and they felt that there was not enough evidence to find me guilty of the violation.

Mr. Aithal: Mr. Chairman, I am not sure that the applicant is qualified to testify what the thoughts of the prosecutor were.

Mr. Himmelman: Fair enough. I just want you to state the facts.

Mr. Kazmi: Right, the prosecutor asked me what were doing. I showed her that people were parking on the site. In addition, I also showed her the steps that I am taking to rectify that, so she did not find me guilty of the zoning violation, but decided to plead guilty to a trash violation, which was a minor fine that I needed to take care of. I am looking at a close to half million-dollar investment in this property to upgrade not only the aesthetic, to improve this property as a whole. And the Board has given me the opportunity to do so and I am highly grateful for that. And I just want to request that the comment made on rectifying the issue tomorrow be construed as a poor choice of words. Where I should have instead stated that I am going to begin the process of rectifying as early as the very next day, and not just those simple three words. And I just want to again state that in no way did I mean to misrepresent my intention to the Board.

Mr. Himmelman: Mr. Chairman, if you would like we can circulate the exhibits to all the Board members. Mr. Chairman, I would also like to apologize to you and the rest of the Board, which I have explained to my client, who, by the way, is an aspiring attorney, that words do matter and I do feel somewhat partially responsible for what transpired. I should have sought the clarification when he made that comment on the addressing the issue of vehicles parking on the site where he did not literally mean the issue would be rectified the next day because obviously there is a process to that. So, I apologize to you Mr. Chairman and to the members of the Board and the public. I will say that the applicant is sincere in his testimony to try to move this process forward. If we can come to some resolution of this condition, the applicant is prepared to move forward with his building permit application, architectural plans, fully engineered plans are being worked on as we speak. So, Mr. Chairman, I just wanted to apologize for that, as I am partially responsible for that.

Mr. Cox: I do believe that there are still some concerns that the cars parking there.

Dan Dominguez (Acting Director, Department of Planning, Community and Economic Development): Mr. Chairman, If I may take off my Board Secretary hat, and

put on my Planning Department hat, so yes on September 23, Mr. Kazmi did state that they were going to remediate the situation the next day. It may have been a bit of hyperbole. Ten days after, on October 3, I contacted Mr. Himmelman stating they would have until October 7 to correct the issue or I would have the zoning officer issue a summons. On the 7th it was still not corrected and the zoning officer on or about the 10th issued a summons. The parking situation was swiftly corrected. Eventually, after about a week, the situation deteriorated. When the applicant requested to amend the approval, the situation was again remediated, and again deteriorated until the application was in court, when again it was remediated. Last week there was caution tape which lasted a few days. Even this morning there were six or seven cars there at 8:30 am. The planning department has concerns about Mr. Kazmi's ability to control the site, and to properly manage the site when the project is completed.

Mr. Kazmi: Even when we put up the parking tape, people drive through it. I don't have any benefit of allowing people to park there. Moving forward, while the site looks abandoned, to the residents will not think twice about parking there. It may seem like its acceptable to park there. We did inform our towing company to tow those cars. The new management tow company should help, and the signs just went up, but I have been working diligently to rectify and we are getting better. The local company will patrol the site better.

Mr. Himmelman: The applicant would be open to additional conditions that the Board may think is reasonable so this situation does not keep occurring.

Mr. Cox: When did you hang up these signs?

Mr. Kazmi: On Friday or Saturday. Just this past week. They have to dedicate a spot in their warehouse for these cars. That process took them a little time to set up.

Mr. Cox: The problem is, you have a guy working, and there are still cars parked there. Why don't you call the tow truck?

Mr. Kazmi: Two reasons. People just say "no" and they park there. The tow company is required to tow within five hours so I made the report myself over the weekend so they towed by the end of the day.

Mr. Himmelman: How were you allowing cars to park there when you have a full-time employee?

Mr. Kazmi: So, all we can say is please don't park there. They say "no." There's only so much my employee can do.

Mr. Himmelman: My client doesn't want to contact the police. Or he could...

Mr. Cox: Where is the towing company located in New Brunswick?

Mr. Kazmi: Their impound lot is in Piscataway. The company is in New Brunswick.

Mr. Himmelman: Perhaps one of the additional conditions could be that immediately if an individual is looking to park a car, the applicant's employee will call the police and tow company to keep a record of every time the applicant calls the police and what action is

being taken. The applicant can provide additional employees to deal with that issue. Those are the types of things the applicant is willing to impose upon himself.

Nancy Coppola (Board Member): What about barricades that can't be moved?

Mr. Kazmi: I can do that. I will close the site if you want. I don't have any objection to any ideas.

Mr. Bletcher: What about a construction fence around the site?

Mr. Himmelman: If you think that's appropriate, we can fence off the site and shut the business down.

Mr. Cox: You don't have to shut the business down. Maybe fence off the parking spot areas?

Mr. Kazmi: We can get a fence installed by this Friday so the only way on the property is to the gas pumps.

Mr. Aithal: There is a permit required for fencing.

Mr. Kazmi: I'm prepared to get that permit.

Mr. Bletcher: How long would the fencing be there?

Mr. Kazmi: My goal is to have the project finished before March.

Mr. Himmelman: I don't know if March is realistic. Breaking ground by February is probably realistic. The fence will be up about six months. If the Board chooses, we can shut the business down. Fencing is another option.

Mr. Aithal: The Board is not in a position to make recommendations as to how to proceed with the application. The Board's concerns relate to whether the applicant is able to control the property. The applicant chose to ask the Board to reconsider the conditions of approval.

Mr. Himmelman: I think it might be cleaner to shut down the site and put up a fence. The applicant will file for a fence permit as soon as practicable.

Ms. Coppola: How do you secure the pumps?

Mr. Kazmi: There is an emergency stop button, which turns them off. You can put a box over the pumps, a wooden structure, which secures them.

Mr. Cox: How long can it be closed without abandoning the use?

Mr. Bletcher: That's not an issue. They have an approval.

Mr. Himmelman: Once the resolution is adopted, we have protection.

John Zimmerman (Board Member): I understand you are trying to do everything to make this work. How long ago did you tell the contractors that they couldn't work on the property?

Mr. Kazmi: I went back the very next day after the hearing and made calls to the company saying it wouldn't be allowed any more.

Mr. Zimmerman: I go by there every day and guys are parking there. Even today.

Mr. Kazmi: We don't let them park there. The subcontractors are not allowed to park there. One was towed today. Those people are not allowed to park there. Any company is not allowed to tow unless their signs are on the property to authorize the towing.

Mr. Zimmerman: I don't know why it took so long to get a tow company.

Mr. Kazmi: We had to end a contract with a prior tow company and get a new company. It was a process.

Open for Public Comment: None

Open for Board Discussion

Motion to Rescind Prior Approval

First: Nancy Coppola

Second: Michael Belvin

	YES	NO
John Cox (Chairperson)	√	
Ivan Adorno		
Michael Belvin	√	
Nancy Coppola	√	
Sue McElligott		
John Zimmerman	√	
Charlotte McNair		
Evelyn Azcona	√	

Motion to Approve with Prior and New Conditions

First: Nancy Coppola

Second: Evelyn Azcona

	YES	NO

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

Denied

Mr. Himmelman: Can we come back and re-notice when we have a full complement of members?

Mr. Dominguez: You can notice for December and carry the application if need be.

VII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charles Kratovil: Is your attorney a city employee or contractor?

Mr. Aithal: You should address that with the governing body.

Mr. Kratovil: How much is your attorney's salary?

Mr. Cox: That's another question for the City Council.

Mr. Dominguez: To the best of my knowledge, I believe Mr. Aithal is a part-time employee of the city. I can verify his salary tomorrow.

Mr. Kratovil: What are the arrangements if he can't attend a meeting?

Mr. Dominguez: We have a conflict attorney. When Mr. Aithal and his firm have a conflict, he went out and found someone to represent him in his stead.

Mr. Kratovil: Does Mr. Aithal get paid if he doesn't make it to a meeting or is it a flat rate? My next question is about the Technical Advisory Committee. Is that part of the salary? Is there a replacement if he doesn't make it to the TAC meeting?

Mr. Aithal: The attendance of an attorney is not mandatory.

Mr. Kratovil: I am concerned that the stated policy that I can attend the TAC meeting at the invitation of the applicant has been reneged. Why was it changed? Why am I not allowed to attend?

Mr. Aithal: I apologized because I was wrong and differentiated that the Minor Site Plan Committee is open to the public, but the TAC is not. The TAC does not fit in the definition of a "meeting" and does not have to be an open meeting where the public can come in.

Mr. Kratovil: If I come to the planning offices on the next day of the TAC meeting and there's an applicant waiting there, and I say "do you mind if I attend," would you allow me to attend the meeting?

Mr. Aithal: The applicant is only one party. The city is also a party to the meeting, and you do not have a right to attend. You will not receive an invitation from all the parties of the meeting. We're not going to open the meetings to the general public.

Mr. Kratovil: Now this is a change. The city is going to keep me out?

Mr. Aithal: I think we've already put the answer on the record. You will not be permitted under the Open Public Meetings Act.

Mr. Kratovil: Are those meetings recorded?

Mr. Dominguez: No. I have recorded in the past for personal notes, but they are not recorded anymore.

VIII. DISCUSSION ITEMS

IX. ADJOURNMENT