



**CITY OF NEW BRUNSWICK
PLANNING BOARD
DECEMBER 9, 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 (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)

II. PUBLIC ANNOUNCEMENT

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S NOVEMBER 18, 2019 MEETING

Motion to Approve
First: Bob Cartica
Second: Ryan Berger

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (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)	√	

Approved.

V. RESOLUTIONS OF MEMORIALIZATION

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

Aravind Aithal (Board Attorney): I do have a conflict with this application, so I can't provide advice on specifics on resolution approval. So, if there are questions then you will need to postpone the memorialization. Just as a general rule, only those members who participated in the original approval can make a motion to approve the memorialization.

Dan Dominguez (Acting Director, DPCED): So that would be the same people who voted on the minutes as well.

Motion to Approve
 First: Bob Cartica
 Second: Ryan Berger

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (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)	√	

Approved.

B. CITY OF NEW BRUNSWICK MUNICIPAL PUBLIC ACCESS PLAN

Mr. Aithal: There is only one correction on the resolution of approval on the last page it refers to this as a master plan reexamination. I apologize.

Mr. Dominguez: So, can we just strike it after it is adopted.

Mr. Aithal: It hasn't been adopted yet, so I would strike it upon a revised version.

Board Questions

Robert Cartica (Board Member): I thought that it was kind of odd that there was no date on the plan that was reviewed. Then I took a look at the plan and realized that there was no date on the plan. It just said final draft. There must have been at least 20 drafts of the plan.

Mr. Aithal: The draft itself I think was from some six years ago...

Mr. Dominguez: Yes, 2017 I believe.

Katie Thielman-Puniello (Principal Planner): When we finalize it, I am going to edit it to remove the draft. So, when you were looking at it, it still said draft, but we are going take that out before we put it on the website.

Mr. Dominguez: I vaguely recall being October or November of 2017 when it was finalized.

Mr. Aithal: The body of that recommendation itself is unchanged. The only thing that would be changed would be the notation.

Mr. Cartica: Okay. Yes, because when I was looking at it, it did not have a date and only said "final draft" on there.

Ms. Thielman-Puniello: Yes, we will date it.

Motion to Approve
First: Ryan Berger
Second: Yelitssa Checo

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (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)	√	

Approved.

VI. PUBLIC HEARINGS

A. ADOPTION OF THE 2020 PLANNING BOARD MEETING SCHEDULE

Mr. Dominguez: Right, so the real question based on discussion that we have had throughout the year is whether or not you would like to move the time of the meetings to 7 pm to be in line with the Zoning Board going forward next year. Or if you have any issue with the dates of the meetings being the second Monday of the month, with the exception of Columbus Day. It seems to be in line with that same trend, so unless you have a conflict with that, or with the time. At this time, we can let the Board have that discussion.

Mr. Castaneda: I know that there was discussion in the past about the moving the times to 7 pm, so we can have that discussion. If you want to be fair to the ones that are not here, we can ask them if that is a possibility or not. Is anyone against the time change?

Mr. Dominguez: No one wants to move to 8 pm?

(Board Laughs)

Mr. Dominguez: Everyone can vote on this matter.

Mr. Aithal: The rules adopted some years ago indicate that there will be no new testimony taken after 10:30pm. Even though the time would be starting a half-hour earlier, you would still maintain that 10:30pm cut-off. Unless the board decided to extend the hours.

John Petrolino (Board Member): Would we need to make a rule change in order to set it back to 10 pm?

Mr. Aithal: No, it would just a consensus of the board.

Mr. Petrolino: Right so even though we would be starting a half hour earlier, we would still be bound to continue until 10:30 pm? Unless we do a rule change?

Mr. Aithal: Right. I don't get a vote in this, but I do recommend that you keep the time cut-off at 10:30 pm because it gives the Board more flexibility, it also puts applicants on notice at least so that they can either abbreviate or adjust their schedules so that they can either wrap things up sooner, or carry it to another day.

Mr. Cartica: If I am recalling correctly, a few years ago someone did say that they had a time conflict, but I am not sure who that was.

Mr. Dominguez: If I recall correctly, I think it was Suzanne because she has a conflict every other month. Its been months since we have had that discussion, so I can't speak to the accuracy of that. But I do recall that pretty strongly as being the issue.

Mr. Castaneda: Okay, then should we wait until hear from everyone else, or pass it since we have a majority present right now? In theory there is nothing stopping someone from motioning and having a vote.

Mr. Dominguez: If need be, we can always bring this issue up again next month during reorganization where everyone presents their side if they are here, so I do not see an issue with it.

Motion to Approve
 First: John Petrolino
 Second: George Chedid

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (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)	√	

Approved.

C. AMENDMENTS TO TITLE 17 ZONING ORDINANCE

Planning Board review of proposed amendments to the city’s Zoning Ordinance relating to electric vehicle parking, bike parking and rebuilding on undersized lots.

Mr. Dominguez: Mr. Vice Chair, I will go through the amendment proposals that we had before city council last Wednesday one by one.

First, I will start with electric vehicle parking, which was somewhat inspired by some of our neighboring towns that have been begun to enact their own electric vehicle parking requirements in future developments. These include Piscataway, East Brunswick, and possibly some more, but off-hand I remember those in particular. So, our setting here would be on non-residential projects and on residential projects of 10 or more units, would be the only ones compelled to comply with this. Although they could always present testimony for relief by obtaining a variance from the requirement, but otherwise they need to meet these requirements. For non-residential, a.k.a. a shopping center, would have to provide one charging station per every 25 spaces provided or 4 for 100 spaces. Residential with 10 or more units, will either have to provide 3% of its spaces as a Level 2 charger or 5% as Level 1 charger, which is a lower standard with a minimum of one space. So, 5% of 10 units is 0.5 of one parking space, so they would still need to meet the requirement of at least having one. For non-residential purposes is to encourage the adoption of electric vehicle charging stations by private development, we would allow electric vehicle parking charging stations to count as 1.5 spaces for zoning purposes, but only for non-residential because for residential we are pre-empted by the state’s RSIS standard. Which applicants can get variance relief from, however we cannot codify this into law

something that would be in conflict with the RSIS standards. So, we can't give them that relief in ordinance form. However, the Board can feel to do so on a case by case basis, we felt that was a sufficient offset. But we would codify it for non-residential.

For the second set of changes, we would be requiring bicycle parking. We try to push developers to do this anyway when they have several units, on a lot with 40+ units buildings, we push for bike racks inside of parking facilities. This would just codify it rather than just being an "ask." We would codify one bicycle parking loop, like the loops you see at any of the other parking racks, for every 2,000 sq. ft of general floor area, with a minimum of two. And then residential with 10 or units would have to provide at least one and it would be a similar parking loop, with a minimum of three. Again, this would be exempted for small developments. For single- and two-family, they would not be obligated to have the electric vehicle parking or bike racks. So, this is really only at a certain scale.

And then finally in the zoning ordinance, there is this language that has survived several iterations of the ordinance and has caused a lot of confusion. If you read into it deeply, it essentially says if you have a lot or parcel that was developed before 1972, and either a) it is now destroyed, there are certain parameters that would not mandate a variance as long it meets those standards. The applicant would be able to just go get a regular zoning permit to rebuild to the specifications that you had, as long as the specs are ok. Additionally what the existing code says is that if the building existed in 1972 and burned down in 1973, and is currently an empty lot with no foundation, you could rebuilt to those same specs as per the tax records that we have without a variance as long as it meets those pretty generous criteria that already exists in the zoning code. However, throughout this year, I have had a lot of applicants come through...for example, the FAR for the rebuilds is 0.8, our current zoning code for single- and two-family lots in R-5A calls for an FAR of 0.35. So, you get a lot of applicants that come through wanting to add a whole floor to the building, this says 0.8. It does not work that way, but the language which is sufficiently clunky enough in the existing ordinance because it has existed for so long, that you get people that get pushy and try to make things complicated. So, what this would do is it would make the ordinance explicit that the limitations are for those rebuilds, instead of using either these parameters of zoning or the other parameters of zoning depending on how you feel or what works for you. This is not applicable for improvements to your property. These are only applicable for rebuilds. And those are the three points of amendment to the zoning ordinance that we seek and is presented to you for advice and consent.

Mr. Cartica: So, on the clarifying language there is no change involved.

Mr. Dominguez: In terms of the parameters, no absolutely not.

Mr. Cartica: You're just making it more explicit.

Mr. Dominguez: Correct.

Mr. Cartica: So that you have less challenges.

Mr. Dominguez: Correct, so that no one can read it in the future and say that this applies to me putting an addition on my house. That's all.

Mr. Cartica: Ok, then in that case we do not need to see the exact wording because you are just clarifying.

Mr. Dominguez: Exactly, there are no changes to any of the stats. Only explicit clarification that it is for rebuilds.

Mr. Aithal: Just as a clarification for the clarification, we do not write the zoning ordinance, the governing body writes and adopts the zoning ordinance. They ask for advice because the Planning Board has the expertise. What happens is that the governing body sends over the request for the changes they're looking for and the Planning Board makes the decision to have a discussion about it. The governing body will then adopt the ordinance based on your recommendation or can disregard it. This will provide a basis for the governing body to act. Again, we do not enact the ordinances in the Planning Board, so it's the recommendation at the Planning Board which has subject matter expertise.

Mr. Cartica: So, we are recommending that you guys clarify the language.

Mr. Dominguez: Correct.

Mr. Aithal: It's to the governing body.

Mr. Castaneda: With the bicycle, and I am assuming also the electric spaces, that these were recommendations at one point, or that they are currently recommendations that are provided...

Mr. Dominguez: Well not so much the electric vehicles, calling that "cutting edge" is a little hyperbolic, but every single project that you've seen in the past few years with a bike racks, which you can ask Mr. Aithal, that is Glenn pushing for it in the Technical Advisory Committee meeting or in other meetings. This would just make it codified so it is less of a push back.

Mr. Castaneda: And these standards are the same as what the recommendation was. Its just a matter of changing it from recommendation to requirement.

Mr. Dominguez: More or less, yes.

Mr. Aithal: So, if they couldn't meet the requirement which they could, they could just tell us that they are not going to put it in. There is no legal requirement. You can't say that we are going to deny your application, even though it is conforming in all other respects, so by codifying it, they know from the initial process that there is a requirement that they provide bicycle racks or electric vehicle parking. And if they cannot meet that, then they have to come before this Board, or if there is a use variance they would before the Zoning Board, and ask for the relief from the standards of the zoning ordinance. Essentially, we are making it a law.

Mr. Dominguez: Additionally, some of the more recent redevelopment plans, like the Ferren Lot, that has some bike rack codification in there as well. So, this was kind of inspired from reading that redevelopment plan. So, going forward this is something that we would like to see codified to just make it easier. These are the requirements, meet them or don't meet them and present as to why you can't.

Mr. Cartica: Since these would be requirements rather than just recommendations, are there any state or federal incentives available to folks that they apply for to assist them.

Mr. Dominguez: I am not sure. I think that the state might have some stuff. I don't know if there are any charging grants from the federal government.

Mr. Aithal: If they put up some solar panels to charge it, there are some grants.

Mr. Dominguez: I do believe that the Parking Authority's parking decks have chargers in them and I believe, based on the discussion that we had at the Traffic Commission Meeting last week, that they did get some grant funding, but I am not sure if funding is directly available.

Mr. Petrolino: I think that is a good point because it is sort of adding to the development of the property. However, I am not sure how much it costs, but I know that it is not free.

Mr. Aithal: Also, I just want to clarify this. The funding available for solar panels is actually not a grant, but a different form of funding.

Mr. Petrolino: So, for a point of clarification saying that the parking spaces each count for 1.5 spaces, there's no maximum on spaces, so that it is not seen as a detriment inhibiting the number of spaces.

Mr. Dominguez: Correct.

Open to Public Comment: None

Motion to Recommend the Amendments:

First: John Petrolino

Second: George Chedid

Approved by voice vote. None opposed.

VII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charles Katrovil (New Brunswick Today): I am here to follow up on the issue I have raised a couple times now. About the state's largest healthcare system, RWJ Barnabas, violating the French Prospect Redevelopment Plan parameters. I just wanted to ask what is the status.

Mr. Dominguez: We have finally got through reviewing the redevelopment plans and the resolutions and we are ready to approach the appropriate people with all the information we have. Hopefully, we have a resolution to this in the next 30 to 45 days.

Mr. Kratovil: Just to be in clear, we are in agreement that they are out of compliance and have never been in compliance, and that they are required to operate an interior walkway that is open to the public.

Mr. Dominguez: We may have some disagreement as to the parameters of that, but the general agreement is that there is some violation of the some of the agreement that the

redeveloper agreed to and the current owner is still bound by those requirements, which I believe is different from redeveloper at the time and the new redeveloper as well on the other site. Our intent is to get them to correct it within the parameters of the resolution and have it corrected ASAP.

Mr. Kratovil: And by what process are we looking at? Is there a set number of days that someone has to correct a zoning violation or else you are going to be in trouble? Is there a letter that is being sent?

Mr. Dominguez: A letter is not being sent, but we are working on sorting this out.

Mr. Kratovil: So you know, I did bring this up to the board meeting at Robert Wood, so the CEO is aware of it. And he said that he would need to look into it.

Mr. Dominguez: We will bring the parameters to them, so that they are very clear about what they need to correct.

Mr. Kratovil: I appreciate the time you took to look into it and I would appreciate it if you could copy me on the communication, with a pdf copy, if and when a letter goes out.

Mr. Dominguez: If a letter goes out, we will copy you.

VIII. DISCUSSION ITEMS

Mr. Castaneda: Before we adjourn, I would like to wish everyone a happy holiday, stay warm and be merry.

IX. ADJOURNMENT