

**CITY OF NEW BRUNSWICK
PLANNING BOARD
MAY 20TH 2019
MINUTES**

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

I. ROLL CALL

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|---|------------------------|
| √ | John Cox (Chairperson) |
| √ | Ivan Adorno (VC) |
| | |
| √ | Peg Chester |
| √ | Sue McElligot |
| √ | John Zimmerman |
| √ | Doug Sheehan |
| √ | Charlotte McNair |
| √ | Evelyn Azcona |
| | Nancy Coppola |

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE PREVIOUS MONTHS' MEETINGS

Technical Issue.

V. COMMUNICATIONS AND REPORTS

Resolutions of Memorialization

None.

VI. PUBLIC HEARINGS

A. 235 GEORGE STREET DIALYSIS CLINIC INC ZB-2019-02, Site plan, use and bulk variance application for the construction of a new medical dialysis clinic with

accessory parking areas in the C-2B and R5-A zones at 235 George Street/52 Tabernacle/64Abeel Streets. Block 126, Lots 3.01, 7, 8.01

(To be carried to June 24th Zoning Board of Adjustments Meeting)

- B. 48 COURTLAND STREET MULTI-FAMILY RESIDENTIAL RECON SERVICES LLC ZB-2018-21**, Site Plan, use, and bulk variance application for the construction of a new Multi-Family Residential Building in the C-1 and R5-A zones at 7, 9, 13, 15 Duke Street, 60, 58, 56, 52 Delafield Street. Block 65, Lot 14.01, 16, 17, 19.01, 21, 22, 23.01, 25

(To be carried to June 24th Zoning Board of Adjustments Meeting)

- C. 295 SANDFORD STREET – ESTATE OF BERNARD SCHRUM ZB-2019-01**, Use and bulk variance application for the construction of a new single-family home in the R-5A zone at 295 Sandford Street, Block 226, Lot 8

The applicant, Bernard Schrum, Jr, is looking to build a single-family dwelling unit on a current vacant and undersized lot. The lot is 35 feet wide by 100 feet and resides in the R5-A zoning district. The lot is thereby subject to the 5000 square feet lot area, and 50 ft lot width. However, the applicant has proposed a 24 by 40 building footprint totaling 1600 square feet with 12 ft archer spaces. It is important to note that the applicant is not looking to construct the building, but rather to obtain necessary approval and to sell the lot. Prior to this, the applicant was not able to successfully sell the property. The applicant has requested numerous 'c' variances and a 'd' variance. The 'c' variance involves adjusting the bulk requirements for lot area, lot width, maximum floor-area-ratio, minimum side yard setback (one side and complete), setback from driveway to curb cut, and maximum building coverage. The reason that the applicant has requested the following variance is largely due to the undersized nature of the lot. The Applicant has sent out letters to adjoining property owners, however no response was received from any of the letters. The Applicant has done the required research of history of the site and the adjoining lots to make sure that there was never any common ownership or inheritance, as required by case law. The last transference of ownership was in 1980 when the applicant's predecessor purchased the property from the city. New restrictions were then added to the deed. Applicant does have witnesses this evening as well a professional planner.

Marinelli Michael, Licensed Civil Engineer:

Provided a Site Plan. The lot is surrounded by numerous two-story single-family residences. To the North of the lot is city property (ball field). The site is currently vacant with no known previous development being done on that parcel. The lot has numerous curb paths on the parcel that looks like one of the neighbors has used it to park their vehicle in the past. The applicant is proposing a 1600 square foot single family home

with 800 square feet, 20 by 40, 2 story structure. The applicant has also provided a two-vehicle driveway to the east of the proposed home. After reviewing the letter from the Department of Planning, the Applicant has agreed to provide residential lighting in the proposed driveway. In addition, with respect to location, the proposed building must be 2 feet west of the property line. Therefore, the applicant has agreed to move the building further east. The Applicant is also providing landscaping with streets trees and foundation planting. Due to the size of the lot, no stormwater management is required.

However, the Applicant is seeking a number of bulk variances which include two existing non-conformances. One of them being the existing lot width of 35 ft whereas 50 ft is required, therefore the Applicant has proposed to maintain the 35 ft width. The other is the lot area of 3500 sq ft whereas 5000 is required. There are also three set back variances which the Applicant is seeking. One of which is for a 6.8 front yard setback consistent with neighbors to the east and west instead of the required 10 ft. The other is a side yard setback (single and combine). Whereas 15 ft is required on each side, the Applicant has proposed the former 13ft side setback. The next one being the amount of building coverage, whereas 20 percent is permissible, the Applicant has proposed 23 percent. In addition, the Applicant is proposing a floor area ratio of .46, instead of .35 due to the narrowness of the lot.

According to the Review letters received from DNR 2019, comment 4.02 states that the building must be shifted. The applicant has made the necessary changes to the plan. In addition, the Applicant has left an open space on the rear for the placement of trash cans. In addition, the Planning letter received in 2019 mentioned the curb cut requirement of 3 ft, however the shift of the building caused the setback to have the proposed driveway to be directly adjacent to the neighboring property. The applicant also has proposed two off street parking spaces, as required under the ordinance. The letter also mentioned the floor area ratio, lighting, and the curb setback and driveway. However, no architectural plans have been constructed because the Applicant is not developing the site, therefore he has asked to be deferred from that portion of the application. The letter also mentioned the front sidewalk and the trash area on the rear, however in regards to providing a shade tree on the rear, the Applicant has asked for relief from this requirement as it would be more practical to provide this on the front of the property. From the letter, the Applicant has also agreed to remove any concrete encroachments. The applicant was also considering a garage, but decided against it due to the narrowness of the lot. The last portion of the letter was regarding the building permitted to be 30ft in width. The applicant has agreed to propose 30 ft. Lastly, it is important to note that the Applicant was looking into purchasing further properties near the lot to accommodate for the narrowness of the lot, however most of the properties are occupied and the lot on the rear is owned by the City (ballfield).

The Applicant has provided (A1) a copy of three letters that have been sent out and (A2) a deed from 1980 which states that the lot had 3500 square ft.

Question from Planning Board, Answered by Marinelli Michael:

Q: Is the side yard setback consistent?

A: Yes, most of the houses on the street follow a repeating pattern of driveway, house, driveway, house, with no set back. Some of the properties on the street actually have no driveway and are two feet from the property line.

Recommendation: (I9) To provide landscaping improvements to create a little separation from the driveway and the public space.

Lizbeth McNunes, Licensed Planner AICP,

Provided a handout report. The lot is in a single-family residential district, predominantly single family, with side yard setbacks, minimum lot area and width. According to the Zoning Ordinance, a 5000 square ft lot area is required, however the existing lot area, since 1980, is 3500 square ft, therefore the Applicant has proposed to maintain this nonconformity. The same applies to the required lot width of 50 ft vs the existing and proposed 35 ft. Therefore, the Applicant is looking into obtaining two types of variances: a 'd' variance for homes larger than the permitted dimensions. The Applicant is requesting a .46 floor area ratio instead of the .35 that is permitted. The other type is a 'c' variance which are bulk variance adjustments, which the Applicant has requested for the front yard of 6.8 ft instead the 10 ft permitted, side yard request for the former 13 ft instead of the 5 and 10 ft, the max building coverage of 23 percent instead of 20 that is permitted, and the setback between the curb cut and the driveway at 0ft now since the building had to be shifted over. According to the Municipal Land Use Law, the FAR variance, criteria (D1) use variance determines whether the site can accommodate any problems from a building that is a bit too large. In addition, the proposed home is at 1600 square ft whereas 1200 square ft is permitted. In addition, it was determined that the site truly can accommodate parking without having a negative effect on the street, as the proposed driveway will accommodate the two off street parking spots required by RSIS. It is also important to note that the applicant is maintaining the maximum impervious surface requirement of 50 percent, even though he has requested a max building coverage of 23% instead of 20%. The applicant has also agreed to provide landscaping and parking. Additionally, the negative criteria, Was used to review whether the requested variances will provide any substantial detriment of the zoning ordinance? It was determined that he proposed home will not create any negative impact on surrounding lots. In fact, the proposed adjustments are largely in conformity with the rest of the tight nit neighborhood with respect to setbacks, coverage, as well as lot width and lot area. It is also important to note that several of the homes follow a similar pattern as the proposed, including a home on lot 7 which is incredibly narrow. Therefore, the applicant's proposal is consistent with the larger residential neighborhood without disrupting the character of the neighborhood. Instead the proposal is providing infill development to increase Neighborhood stabilization and increase the variety of residential options available. As for the 'c' variances (C1), which are hardship variances, the 3500 square ft lot area, 35 ft lot width, and the 9ft driveway with 2 required parking spot, are to ensure that the single-family home is still a usable

home despite such restrictions. The applicant did give some attention to purchasing some surrounding lots in order to rectify the variances and the undersized pre-existing condition. Therefore, the 'c' variance is justified by the 'C2' special reasons variance. Under the Municipal Land Use Law, the proposed variances support their purposes which is to protect the safety and general welfare, and (purpose 5) to create a desirable and visual environment. It is also important to note that the applicant is also providing a permitted use modest in size given lot constraints while eliminating any existing nuisances which includes the habit of collecting trash on vacant lots. Therefore, the proposal is contributing positively, as well as eliminating current and future problems. The proposal is also consistent with the character of the neighborhood with respect to streetscape, street tree, as well as the house, driveway, house, driveway, house, house, pattern. The proposal does not contribute negatively to on street parking as it is providing the required 2 parking spaces in the proposed driveway. Therefore, the proposal is providing a home that will continue to benefit neighborhoods in housing and appearance, as well as increase the auction for new homes in the area. The Single-family home will also provide a wider variety of housing which is doing so in a way that will not have negative impact on surrounding neighborhoods with respect to housing and that's not too large. Finally, the City's Master plan is supportive of this type of development with respect to scale, increasing home ownership opportunity, and infill development.

Public:

None.

CLOSED.

- D. March 15, 2019 - DNR engineering report, including cross access agreements with city, escrow deposits, movement of water and connection fees, planning and consultant, anticipated post review changes to memo, and hearing utilities.

Motion to Approve:

Second:

| | YES | NO |
|------------------------|-----|----|
| John Cox (Chairperson) | √ | |
| Ivan Adorno (VC) | √ | |
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| Peg Chester | √ | |
| Sue McElligot | √ | |
| John Zimmerman | √ | |
| Doug Sheehan | √ | |

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|------------------------|---|--|
| Charlotte McNair (alt) | √ | |
| Evelyn Azcona (alt) | √ | |
| Nancy Coppola | | |

V. OTHER MATTERS OF INTEREST TO THE PUBLIC

- A. Discussion items: Moving start times to 7 pm for the rest of the summer or even the rest of the year. Wait for planning and zoning board. New time starts July, for July 8th special meeting and July 24th meeting.

VI. ADJOURNMENT