



CITY OF NEW BRUNSWICK
 ZONING BOARD OF ADJUSTMENT
 MAY 18, 2020
 MINUTES

Meeting Location
 Telephonic Conferencing
 7:00 PM

I. ROLL CALL

X	John Cox (Chairperson)
	Nancy Coppola (Vice Chairperson)
X	John Zimmerman
X	Michael Belvin
X	Ivan Adorno
X	Karla Castaneda
X	Sue McElligott
	Beverly Sanchez (Alt. #1)
X	Charlotte McNair (Alt #2)
X	Evelyn Azcona (Alt #3)
X	Chris Sumano (Alt #4)

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETINGS ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD’S APRIL 27, 2020 MEETING

Motion to Approve: John Zimmerman

Second: Chris Sumano

	YES	NO
John Cox (Chairperson)	X	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	X	
Michael Belvin	X	
Ivan Adorno		
Karla Castaneda	X	

Sue McElligott	X	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	X	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	X	

Approved

V. RESOLUTIONS OF MEMORIALIZATION

A. NEW CENTURY DEVELOPMENT, LP / 155 HOWARD STREET / BLOCK 249, LOT 9.01 (ZB-2019-16)

Motion to Approve: Chris Sumano
 Second: Karla Castaneda

	YES	NO
John Cox (Chairperson)	X	
Nancy Coppola (Vice Chairperson)		
John Zimmerman		
Michael Belvin	X	
Ivan Adorno		
Karla Castaneda	X	
Sue McElligott		
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	X	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	X	

Approved

B. NEW CENTURY DEVELOPMENT, LP / 18 CLASS PLACE / BLOCK 551, LOT 9.01 (ZB-2019-17)

Motion to Approve: Charlotte McNair
 Second: John Zimmerman

	YES	NO
John Cox (Chairperson)	X	

Nancy Coppola (Vice Chairperson)		
John Zimmerman	X	
Michael Belvin	X	
Ivan Adorno		
Karla Castaneda	X	
Sue McElligott	X	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	X	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	X	

Approved

C. 268 SOMERSET STREET LLC / 268 SOMERSET STREET / BLOCK 67, LOT 27
(ZB-2018-06)

Motion to Approve: Chris Sumano
Second: Sue McElligott

	YES	NO
John Cox (Chairperson)	X	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	X	
Michael Belvin	X	
Ivan Adorno		
Karla Castaneda	X	
Sue McElligott	X	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	X	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	X	

Approved

VI. PUBLIC HEARINGS

John Cox (Board Chairperson): First, Olegario and Feliz Perez, 153 Joyce Kilmer Avenue, Block 241, Lots 3 and 4, ZB-2019-04, a site plan and use variance application in order to

occupy an existing mixed-use building containing retail on the first floor and two apartments on the first, second and third floors. Zoning District R-5A. (Thomas Kelso, Esq.). We're moving this to the June 22 meeting. Aravind, are they going to have to re-notice?

Aravind Aithal (Board Attorney): Yes, they will need the number to call in.

Mr. Cox: Ok, thank you.

A. TIM SCHUH & BIMAL MALHOTRA / 18 GOODALE CIRCLE / BLOCK 716, LOT 7 (ZB-2020-07)

Variance application to expand an attached garage, creating a front yard setback variance, and construct a second floor on an existing one-story, single-family residence. Zoning District R-2.

Mr. Cox: Mr. Schuh, Mr. Malhotra, are you guys on?

Tim Schuh (Applicant): Yes, we're both on.

Mr. Cox: I just want to make sure any members of the Board that may have a conflict with this application? Okay, seeing none, I guess you can go.

Mr. Aithal: I've had an opportunity to review the notices, and also determined the jurisdiction of the Board and the notices are proper and the Board does have jurisdiction to hear this application.

Mr. Schuh: We appreciate your time this evening. We've been working with Katie and Aravind and it's been very helpful. I wanted to provide an overview as to why we're doing this project. The reason we're planning this particular renovation is because we've lived here in Edgebrook since 1997, here at 18 Goodale Circle, and we like this neighborhood, we know our neighbors well, many of them are like family, and we love the diversity of New Brunswick and the access to New York City. We plan to retire, we want to age in place and this is our forever home, so we want to renovate and expand it. We are combining two households. We have a house in East Brunswick and we prefer to stay in New Brunswick. We love the mid-century modern flavor, very clean look, and...that is the look we're trying to achieve. We're really happy with the design our architect Susan Sheffmaker came up with, and I think it contributes to the diversity of styles in the neighborhood. The garage will accommodate two classic Cadillacs, from 1961 and 1971, which are currently garaged in our home in East Brunswick. Bimal's mother comes to visit so two of the new bedrooms will do double duty as an art studio and home office and when his mother comes to visit for several months of the year, she can have a permanent room. Those are our motivations and we're very excited about the design.

Mr. Cox: Thank you, do you have your first witness to call?

Mr. Schuh: Yes, that would be Susan Sheffmaker, architect.

Susan Sheffmaker is sworn in and accepted as an expert witness

Susan Sheffmaker (Applicant's Architect): Good evening everyone. Thank you for hearing our application. I'm here to present an application for the addition to my client's home at 18 Goodale Circle. I'd like to walk you through the proposed scope of the project, Sheet A-1 of my plans. For reference, the front of the house faces south. We are proposing a 520 square foot addition to the front of the existing garage, which measures 23 feet wide and 22 feet deep. At the second floor, we're proposing to a master bedroom, a master bath with a dressing room, a laundry room on the west side of the home...on the east side, we are proposing two bedrooms that the applicant intends to use as a studio and an office, a bathroom and a sunroom...due to the shape of the property, the property narrows to the rear. So, the corners of the second floor addition continue the existing non-conforming side setbacks. The garage expansion at the ground floor is approximately 21 feet from the front lot line where 30 feet is required. Sheet t A-2 indicates the proposed elevations...I'm looking forward to the possibility of it being built, it will be a nice addition to the street. Thank you for your consideration and if you have any questions, I'd be happy to answer them.

Mr. Cox: Thank you. Does anyone from the Board have any questions or comments at this time? Seeing none, Tim you can go onto your next witness.

Mr. Schuh: Susan is our only witness.

Mr. Dominguez: Susan, you were acting as architect and planner?

Ms. Sheffmaker: Architect.

Mr. Dominguez: Just as architect. So, do they need a planner?

Mr. Cox: Aravind, since they need a variance for setback from the road, should they provide testimony from a planner?

Mr. Aithal: The Board can make a determination whether this is an appropriate variance to grant without the need for a planner, for bulk variances, which is a "c" variance, if they were to make a determination as to whether this would be in the character of the neighborhood, and Mr. Schuh, or Ms. Sheffmaker, is this consistent with any homes in the neighborhood?

Mr. Schuh: I'm not sure about the setbacks, I can tell you that the home on the other end of Goodale Circle, the driveway is much shorter, but I'm not sure if that's the side yard or how that was handled. There's a lot of vegetation around this area, where we're proposing the garage expansion, all the way to the street. I really couldn't comment on any of the setbacks.

Ms. Sheffmaker: When I look at the aerial view, the road is on a curve all around, there are some houses that have intrusions...

Mr. Aithal: Ms. Sheffmaker, you indicated that the shape of the lot...it can be granted under the flexible “c(2)” standard, that it is a de minimis variance, if you will, or under the hardship standard due to the unique shape of the lot itself may be out of character of the neighborhood, is that your testimony?

Ms. Sheffmaker: Yes, it is. I believe there is no other way to achieve what we’re proposing because of the shape of the lot, there’s no way you can get a driveway around the back and make a detached garage because of the setback and we’re making it better because we’re removing the shed, which is crossing over the lot line and it’s a very minor intrusion on the front and because of the curve of the street, it is a de minimis change, there’s no view of all the houses in line.

Mr. Aithal: Normally you would hear from a planner, but because this is a “c” variance and not a use variance, which is referred to as a “d” variance, it is a bulk variance for a setback being created, I believe that the Board could take into account the testimony and make a determination at the discretion of the Board as to whether this variance could be granted.

Mr. Cox: Does any Board member have any comments or questions at this time? Seeing none, I am going to open up the meeting to public comment on this specific hearing.

Open to Public Comment

Beverly Sanchez, Board Member, identifies herself as being on the call

Motion to Approve: John Zimmerman
 Second: Charlotte McNair

	YES	NO
John Cox (Chairperson)	X	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	X	
Michael Belvin	X	
Ivan Adorno	X	
Karla Castaneda	X	
Sue McElligott	X	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	X	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)		

Approved

B. ORTHO DEVELOPMENT, LLC / 8 RESERVOIR AVENUE / BLOCK 344, LOT 10.01 (ZB-2020-02)

Variance application to remove an existing residence on the property in order to construct a new two-family residence. Zoning District R-5B. (Steven Hambro, Esq.)

Steven Hambro (Applicant's Attorney): I just want to confirm that I submitted the affidavits of publication and mailing of the notices, so we'll confirm or Mr. Aithal will confirm that the Board does have jurisdiction and he's received them.

Mr. Aithal: Mr. Chairman, I have had an opportunity to review the notice and also the affidavit of publication and mailing list and had an opportunity to cross those with the mailings that went out. The Board does have jurisdiction, the notice has been properly served.

Mr. Hambro: So, this is an application for 8 Reservoir Avenue, it's near the Bristol Myers Squibb facility if you're going out towards North Brunswick on Georges Road a little bit to the east of that, so we noticed North Brunswick, I think it's three properties. So, this is an application for replacing an existing property where the residence had a fire and it's abandoned. The client purchased the property with the intent of replacing that structure with a two-family residence, a permitted use in this zone, the R-5B zone, which allows for one- and two-family units. We do have a site plan engineer, Mr. Dan Doran, as well as, if we need him, but I don't think we actually do, the architect who prepared the floor plans and elevations. So, it's a relatively straightforward application, there are some "c" variances, one for the existing square footage of the lot, which is a little bit undersized, and lot width as well, which are basically existing conditions. We have one side yard setback, which is still a variance. Mr. Doran, I think the last revision date was March, I will ask Mr. Doran to join us.

Mr. Cox: I forgot to ask at the beginning, does any Board member have any conflict with this application? Seeing nobody, please go ahead.

Dan Doran is sworn in and accepted as an expert witness

Mr. Aithal: Are you going to be serving as the engineer and the planner?

Dan Doran (Applicant's Engineer and Planner): Yes, I will be presenting engineering and planning testimony. My credentials have not changed

Mr. Hambro: Mr. Doran, can you describe the application to the Board, what you've reviewed, what you have done to prepare prior to this meeting.

Mr. Doran: I'm going to be referencing the variance sketch that we submitted with the application. I'll just orient ourselves where we have Reservoir, which is located on the top of the page on the west side of the property. We have Lot 20.06, which is a parking area to the south side of the property. Conger Avenue to the east side of the property. And then Lots 29.01 and 12.01 are both located and abutting the site on the north side. The site is known as Block 344, Lot 10.01, known as 8 Reservoir Avenue. As Mr. Hambro previously

stated, there is a dilapidated structure, a single-family residence located in the southwestern corner of the site, and there are associated walks with that, and there's also an existing deteriorating driveway located in the northeast corner of the site. It is the applicant's intention to remove all of those existing improvements and replace them with a two-family structure, again located in the southwest corner of the property. Each of the units will have three bedrooms. The building will be constructed on a slab and there will be no permanent staircase to the attic. A new driveway, a pervious driveway, will be constructed off of Reservoir, giving access to four parking spaces. Those parking spots will be located in the northeast corner of the property. Those parking spaces are 9 by 18 and as per the RSIS requirements for a three-bedroom dwelling, you need two parking spots for each unit, and four spaces are required and proposed.

The applicant is also proposing to install a sidewalk along the frontage of Reservoir and to replace any deteriorating curbs along that frontage on Reservoir also. There will be two a/c units placed in the back of the building and they will be screened with shrubs. We'll also have two concrete pads in the rear of the building that will be the location of both domestic and recycling containers. The site is serviced by water and sewer and there are three bulk variances that are associated with the property. The first two are "c(1)" variances where the configuration, the shape and the size of the lot are all impacting these existing conditions, that being the lot area. In the application, the existing size of the lot is 6,300 square feet, so it's just shy by 400 square feet. The width of the site is required to be 80 feet in width, and we have a width of 60 feet.

To me, the important thing is that the improvements that are proposed, the site can support those improvements without any problems and we would ask that you would grant those existing variances based on the "c(1)" criteria. The third variance is a side yard variance. In the zone, a 15 foot side yard is required. The existing dwelling was at 1.7, we are proposing 4 feet, but I'd like to point out that, overall, we have a total side distance of 36 feet, which is larger than what is required. I'm going to categorize this as a "c(2)" variance, where the purposes of zoning are promoted. We have purpose "c" which states and promotes light, air and open space. And due to the fact that we are proposing the dwelling to be located in the southwest corner of the lot, the lot can still function correctly and still be able to afford adequate light, air and open space, not only to the site itself but to the adjoining property owners. I also think it's important to point out that this side yard variance could have been eliminated if we had set the building in the center of the lot, though we had thought about this and we looked at the fact that if we were to do that we had to have two curb cuts, one driveway on each side of the building, and we thought that having those curb cuts would be something we would like to avoid. I think that the variance can be granted without significant detrimental impact to the zone plan or the zone ordinance or the public good. The site can certainly support the proposed improvements that the applicant has presented.

We are also in receipt of the planning memo dated May 12 of this year and there's just one thing in there that I wanted to bring to the Board's attention and that was a question regarding the total impervious coverage of this site. Yes, we are proposing a pervious driveway to minimize the amount of impervious coverage, but the ordinance requires us to demonstrate and to count that pervious pavement as impervious, and in the zone 50

percent is the maximum allowed, and when you look at the driveway and the parking area as being impervious, were still beneath the maximum at 32.5 percent.

Mr. Hambro: Let me go back for a second. Dan, you indicated in terms of the two variances, one for lot size and one for lot width, that was a “c(1)” hardship variance and the basis for that was that, because of the nature of the site...

Mr. Doran: Configuration of the site, the size of the site, correct.

Mr. Hambro: Right, and in particular, it’s relatively long on one side, but it’s like an L-shaped lot.

Mr. Doran: That’s correct. The depth of this lot is actually two times the required depth of 70 feet. The lot is 140 feet in depth.

Mr. Hambro: And accordingly, it meets the requirements set forth in the MLUL regarding hardship based upon the size and shape of the lot.

Mr. Doran: Correct.

Mr. Hambro: And you’ve already indicated that it’s better for a “c(2)” variance, a better alternative that there’s, on balance, that it’s a better plan and alternative to have the side yard setback versus the two curb cuts and separate driveways.

Mr. Doran: Correct.

Mr. Hambro: And the engineer for the Board and I think the planner as well indicated that those were their preferences?

Mr. Doran: Yes, at a previous meeting, they would prefer not to have two curb cuts.

Mr. Hambro: All right, just to point out to the Board, your planner’s report, and you can get an idea of what the existing site looks like. There’s a picture of the existing structure which is being replaced.

Mr. Cox: All right, I’m going to ask Board members, do you have any questions or comments for this witness? Hearing none from the Board, Mr. Hambro, do you have any other witnesses that that you want to bring forward?

Mr. Hambro: I don’t think there’s a need for further witnesses. We do have our architect with us in case there are any questions that the Board has. I think Mr. Doran has addressed the variances. There were some comments in the professional reports regarding the square footage of common areas which have been addressed by the architect to address those comments satisfactorily. Dan, is there anything else that you feel is important to point out here with respect to those reports?

Mr. Doran: No, I think we’ve covered everything.

Mr. Hambro: Okay, so in that case, I don't have further testimony from any other witnesses, unless the Board has questions about anything in particular as far as the architectural plans which have been submitted.

Mr. Cox: I'm going to ask the Board one more time before I open it to the public, anyone from the Board have any questions or comments? At this time, we're preparing to open the meeting to public comment on this specific hearing, specific items for five minutes per person.

Open to Public Comment

Mr. Cox: Seeing none, were going to close the public portion of this meeting. Mr. Hambro, do you have anything else to say before we have the...

Mr. Hambro: Yes, thank you very much. Very briefly, this will result in an improvement on the area to the property. Obviously, you know, it's been an existing eyesore and this will be a huge aesthetic improvement and an improvement to the neighborhood. De minimis, there are de minimis variances that we're actually seeking here in order to make this property work, so it would be, like I said, an improvement to what we have there at the present time and we request that the Board please grant the variance requested so we may develop this property and get a better situation than it currently is.

Mr. Cox: Thank you. Any member of the Board have any comments at this time? Seeing none, Katie, if we make a motion to approve, can you please give us the conditions with what we will have to do?

Katie Thielman-Puniello, Principal Planner, City of New Brunswick, reads the conditions of approval into the record

Motion to Approve: Sue McElligott
Second: John Zimmerman

	YES	NO
John Cox (Chairperson)	X	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	X	
Michael Belvin	X	
Ivan Adorno	X	
Karla Castaneda	X	
Sue McElligott	X	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	X	

Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)		

Approved

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

Open to Public Comment

None

VII. DISCUSSION ITEMS

None

VIII. ADJOURNMENT