



CITY OF NEW BRUNSWICK  
ZONING BOARD  
JUNE 22, 2020  
MINUTES

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

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT

**Dan Dominguez (Director, Department of Planning, Community and Economic Development):** Please be advised that the notice requirements of the Open Public Meetings Act has been complied with and satisfied, and that the annual notice which gave sufficient notice of the time, place and conduct of all public meetings of the Zoning Board of the City of New Brunswick has been filed with the City Clerk and it has been placed on the appropriate bulletin board and posted in the back vestibule of City Hall visible to the public and through the windows of the lobby to City Hall in New Brunswick, New Jersey and has been transmitted to the official newspaper for the City of New Brunswick, namely the Home News Tribune. Additionally, a change of location notice of the time, place and manner of conducting this meeting has been made by the Board Secretary as required by law. New Jersey governor Phil Murphy has issued executive orders limiting the size of public gatherings of individuals until further notice. Furthermore, the CDC has issued guidelines to limit gatherings of groups. The City Zoning Board of Adjustment intends to meet on a regular schedule, will meet using the guidelines of the Open Public Meetings Act by utilizing a teleconferencing system. Public participation at public meetings has been revised, and the public may participate through a conference call-in system. the public is encouraged to call into the conference system through the phone numbers and access code transmitted in the change of location notice to the Home News Tribune and Star Ledger and posted in the back vestibule of City Hall visible to the public through the window. Board professionals will also be available via conference call during the meeting. All parties on the conference call will have the opportunity to hear the Zoning Board meeting. During the portions of the meeting that are not open for public comment, all calls from the public will be muted and the board will not be able to hear any public comments through the conference call system. during the public comment periods, those on the conference call-in lines who have an interest in

addressing the Board will be organized by last name and then called upon to speak. after all organized members of the public speak, the process will happen again until all the public has had an opportunity to speak once and for no more than five minutes in any given public meeting portion. the timer will time at the completion of each five minute period and I'll notify you that your time has expired. Public needing assistance accessing the call number should call City Hall at 732-745-5007.

### III. SALUTE TO THE FLAG

### IV. MINUTES OF THE BOARD'S MAY 4, 2020 AND MAY 18, 2020 MEETINGS

#### a. MINUTES OF THE BOARD'S MAY 4, 2020 MEETING

Motion to Approve

- i. Christian Sumano
- ii. John Cox

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno		
Karla Castenada	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	✓	

#### b. MINUTES OF THE BOARD'S MAY 18, 2020 MEETING

Motion to Approve

- i. John Zimmerman
- ii. Ivan Adorno

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castenada	✓	
Sue McElligott	✓	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		

Chris Sumano (Alt #4)	✓	
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V. RESOLUTIONS OF MEMORIALIZATION

a. 78 EASTON AVE. URBAN RENEWAL, LLC / 88 EASTON AVENUE / BLOCK 56, LOT 1.04 (ZB-2020-03)

Motion to Approve

- i. John Zimmerman
- ii. Karla Castenada

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno		
Karla Castenada	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	✓	

b. 75 PLUM STREET LLC / 75 PLUM STREET / BLOCK 417, LOT 28 (ZB-2019-15)

Motion to Approve

- i. John Zimmerman
- ii. Christian Sumano

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno		
Karla Castenada	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	✓	

c. RARITAN HEIGHTS PHASE II, LLC / 19 US HIGHWAY 1 / BLOCK 703, LOT 17.02(ZB-2017-07)

Motion to Approve

- i. John Cox
- ii. John Zimmerman

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno		
Karla Castenada	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)	✓	

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

Motion to Approve

- i. John Cox
- ii. Sue McElligott

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castenada	✓	
Sue McElligott	✓	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)		

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

Motion to Approve

- i. Ivan Adorno
- ii. Sue McElligott

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		

John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castenada	✓	
Sue McElligott	✓	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)		

## VI. PUBLIC HEARINGS

- a. **WORLD'S BEST TEMPS, INC. / 255 FRENCH STREET / BLOCK 425, LOT 2.03 (ZB-2020-04)**

Preliminary and final site plan application with a “d(6)” height and bulk variances to construct a new six-story mixed-use building with ground floor retail and 53 residential units. Zoning district C-2A. (Peter U. Lanfrit, Esq.)

*This application has been rescheduled to the July 27, 2020 Zoning Board meeting, same time and location. No further notice will be required unless the call-in information changes, in which the applicant will be advised that new notice must be given.*

- b. **RAIN LAKE PROPERTIES, LLC / 147 REMSEN AVENUE / BLOCK 209, LOT 1 (ZB-2019-11)**

Variance application to convert an existing one-family residence into a two-family residence, to be comprised of two two-bedroom units. Zoning district R-5A. (James F. Clarkin, Esq.)

**James F. Clarkin (Applicant's Attorney):** As the Chairman noted, our intent is to convert the existing one family into a two family dwelling. The structure in its present configuration can accommodate the second residential unit without any building addition. Moreover, the roofline will not change. Only one little variance is needed and that is for the number of required parking spaces. Significantly, no FAR variance is needed. We have vetted the application thoroughly at the Technical Advisory Committee. We went back and forth on a couple of issues. Ultimately, the application was revised so that each of the residential units would have two bedrooms. It was also decided that there would be no living space at the attic level. Our architectural floor plans currently show living space at the attic level, but if we are fortunate enough to receive your approval tonight, then we will amend the plans to show that the attic space will be used for storage only. We also went back and forth on the issue of on-site parking, where three spaces are required under the Residential Site Improvement Standards. There is room on the site for those three spaces, and in fact our original set of plans proposes three spaces. However, if we were to construct those spaces, the driveway curb cut would result in losing two on-street spaces. Therefore, we decided, and with the staff's blessing, to eliminate the three on-site spaces and seek a parking variance.

The lot is undersized and there is no additional land that the applicant can purchase to make the lot conforming or even less non-conforming. We also seek to continue the existing non-conforming condition related to front yard setback from both Remsen Avenue and Hale Street, single side yard setback, maximum building height, and the maximum impervious and building coverages. The only existing non-conforming

condition to change is the impervious coverage, which we are actually reducing it by one and a half percent, but it will still be fifty five percent, which is still over the maximum allowed of fifty percent. My client purchased the property approximately a year and a half ago at a sheriff's sale due to a foreclosure. The property is in poor condition. We will make significant improvements so that the building will become a credit to the city. We have two witnesses this evening, the first is Larry Johnson, our architect, he will review the floor plans. the second is Angelo Valetudo, who will testify both as our engineer and our planner. We also have the applicant available in the event if there is a question that he needs to answer. Mr. Chairman, if you or any of the Board members have any questions now, otherwise I will move directly to Mr. Johnson's testimony.

**John Cox (Zoning Board Chairman):** At this time, I will ask if any Board members have any conflict with this application, please speak up now. Seeing none, Mr. Clarkin please go ahead and call your first witness.

**Mr. Clarkin:** Okay, we are going to call Larry Johnson and ask that he be sworn in.

**Mr. Cox:** Have your credentials changed since the last time you were before this Board?

**Laurence C. Johnson (Applicant's Architect):** No, they have not.

**Mr. Clarkin:** Thank you, Mr. Chairman. You stole my line as you usually do. Mr. Johnson, did you prepare the floor plans that are now before this Board?

**Mr. Johnson:** Yes, I did.

**Mr. Clarkin:** Is any building addition proposed in connection with this application?

**Mr. Johnson:** No.

**Mr. Clarkin:** Will the roofline be modified or the building height increase?

**Mr. Johnson:** No.

**Mr. Clarkin:** What is the height of the structure?

**Mr. Johnson:** 35 feet.

**Mr. Clarkin:** There is a picture of the structure in the staff report from June 16th, that picture was taken on April 7th, does that picture accurately reflect how the structure looks today?

**Mr. Johnson:** Yes, it does.

**Mr. Clarkin:** Please take the Board through the floor plans of the respective floors: the first floor, the second floor, and then the attic space.

**Mr. Johnson:** Okay, the first floor has one entrance into a small vestibule that has two doors, one that leads to the first floor apartment and that apartment will have two bedrooms, kitchen/dining/living area, and a full bathroom. The second floor is pretty much identical with the exception that the living space will be added to the second floor and removed from the third floor. And the attic space will only be for storage use for residential purposes.

**Mr. Clarkin:** If this application is approved, you will file a revised plan showing just storage at the attic level?

**Mr. Johnson:** That is correct.

**Mr. Clarkin:** Mr. Johnson, is any part of the attic 7 feet high from floor to ceiling?

**Mr. Johnson:** No, there will not be any spaces higher than 6 foot-11 inches.

**Mr. Clarkin:** Final question, what improvements to the exterior of the structure are being proposed?

**Mr. Johnson:** We are proposing new siding around all side of the structure with new windows for the facade.

**Mr. Clarkin:** Mr. Chairman, that concludes his direct testimony. He is available for any questions that either you or the other Board members or the staff may have.

**Mr. Cox:** Thank you. Does any member of the Board have any questions for this witness? All right, thank you. Seeing none, Mr. Clarkin, please proceed to your next witness.

**Mr. Clarkin:** We will call Mr. Angelo Valetudo please. Okay, Mr. Valetudo, have your credentials changed since the last time you were before this Board both as an engineer and a planner?

**Angelo J. Valetudo (Applicant's Engineer & Planner):** Negatively, only a little bit more experience under my belt.

**Mr. Clarkin:** I ask that he be accepted as an expert in both of those fields.

**Mr. Cox:** Yes, we will accept him as an expert in both of those fields.

**Mr. Clarkin:** Thank you. Mr. Valetudo, did you prepare the engineering drawings that accompany this application?

**Mr. Valetudo:** Yes, sir, I did. and as always, the engineers have a survey that was done.

**Mr. Clarkin:** Okay, can you tell the Board what is on the site today?

**Mr. Valetudo:** Sure. To begin, the site is on the corner of Remsen Avenue and Hale Street. The building is a two and a half story building. It has been pretty much vacant and certainly anyone that has driven by there knows that it has been vacant for a long time and that the building has become fairly deteriorated. There is no real landscaping, other than the overgrowth. So, it does not really lend itself to be aesthetically pleasing.

**Mr. Clarkin:** Okay, can you tell the Board what improvements the applicant seeks to make?

**Mr. Valetudo:** Yes, sir. well as it has already been entered into the record, we are seeking to convert the single family use into a two family use, where each unit will merely have two bedrooms and we are not proposing any expansion to the existing building. As it has already been testified, there will be no use for the attic, other than storage. That is point on the record number one, and number two is that there is no portion of the attic that is over seven foot. Therefore, from a construction standpoint, it would not allow any other use. We are also seeking to, if we receive the approval, to go through the entire frontage of

both Remsen Avenue and Hale Street within the public right of way and make improvements to the curb sidewalk, as necessary, to be either removed or repaired. All of which can meet the City of New Brunswick standards. As you also indicated, we eliminated the proposed three off street parking spaces and we are going to utilize that area as both landscaping with tree shrubs, also as an area for the residents living within the house to occupy. We are also proposing a fence along the two rear sections of the property from Remsen Avenue, as well as the rear of Hale Street. On both of those property lines, there are very small walls and what the 4 foot high fencing will do is provide some aesthetic blockage, if you will, from the adjoining use from our particular use. Landscaping, we are proposing one shade tree, where none exist now, and at the moment two shrubs of thirty six inches high, that will grow six by six. However, with regard to compliance with the Board professionals, we will be adding additional landscaping around the trash cans that will be provided as part of the application, as well as, my understanding, with the air conditioning units being provided outside. So, both of those will have additional landscaping to go along with what we show on my plans. As far as lighting, the only lighting we are proposing is a residential lighting at the back of the building to lighten the rear yard. As far as drainage, we are not creating or adding any new impervious area. In fact, as you indicated, we are making a very slight deduction. However, the amount of runoff from the property will be reduced, and the reason it will be reduced is by virtue of a combination of having the tree installed, the landscaping, but also and more importantly, by planting new grass there, where right now I am not even sure what we can define it as, maybe some landscaping from the moon.

**Mr. Clarkin:** Okay, what variance relief does the applicant request?

**Mr. Valetudo:** Yes, also as you indicated, the only one that we are looking for is a parking variance. Right now, with only one unit of two bedrooms, there is a need for 1.8 spaces which rounds up to two. With the addition of the second unit, it would come up to three parking spaces, where we are providing zero and which exists now. Therefore, allowing the frontage along Hale Street to provide parking not only for the residents of all the units, but also anyone from the public along Hale Street.

**Mr. Clarkin:** Okay, what existing non-conforming conditions exist on the site today?

**Mr. Valetudo:** Okay, well again I will just refer quickly to my plans. these are both existing and proposed conditions, and that would be lot area, lot width, front yard setback from Remsen Avenue, front yard setback from Hale Street, the side yard setback, the lot coverage, and impervious coverage, although we are reducing it, we are still over fifty percent. Although we still increasing the landscaping, we are still slightly over the fifty percent. Also, the height of the building at thirty five is going to remain, where thirty feet is permitted. The FAR we are not raising, but that is also an existing variance.

**Mr. Clarkin:** You heard me say in the opening remarks that there is no additional land available for this application to be purchased, would you agree with that statement?

**Mr. Valetudo:** Yes sir, most definitely on both the side of Remsen Avenue and Hale Street. In the case of Remsen, the adjacent development is just over ten feet off of the property line, and the driveway provides off-street parking for that house to the left on Hale that is within five feet of our property. So, both are fully being used and fully developed, and I do not believe that either would have the ability, even if they wanted to, to sell property to us that would satisfy their condition without the need for a variance.

**Mr. Clarkin:** In regards to the impervious coverage being slightly reduced, are any of the other existing non-conforming conditions going to be changed in any way?

Mr. Valetudo: Nope, there are none whatsoever.

Mr. Clarkin: Are any of these non-conforming conditions being exacerbated?

Mr. Valetudo: Nope, again they are existing conditions that will remain whether or not this application is denied.

Mr. Clarkin: Mr. Valetudo, have you had an opportunity to review the staff reports?

Mr. Valetudo: Yes, sir, I have.

Mr. Clarkin: Let's start with the staff report dated June 16, 2020. Mr. Chairman, as we customarily do, I would like to go to page five at the bottom where we have the start of the planning review comments. With respect to comment number one, that has already been handled by the architect. With regard to item two, we will correct the zone table on the engineering plans. Item three has been satisfied. With respect to item four, we will comply with that request to show the location of the new fencing, which was previously testified to. Mr. Valetudo, the height of the fence is four feet, what is the height of the walls that are involved?

Mr. Valetudo: The height of the wall on shown on my plans is just under three feet, approximately at two and a half. the overall height from the ground to the top of the four foot fence will be under six feet.

Mr. Clarkin: With regard to item five, that is no longer applicable. As to item six, Mr. Valetudo, you indicated that we can screen the refuse area?

Mr. Valetudo: Yes, my opinion was to add just landscaping as we are talking about trash handling, however if either the Board or the professionals want us to put fencing, we can accommodate that also. I just thought that landscaping would be nice throughout.

Mr. Clarkin: And we are also screening the outdoor mechanical units?

Mr. Valetudo: Yes, sir. In a similar fashion.

Mr. Clarkin: Okay, Mr. Chairman, item eight has already been handled by the architect in his testimony. If you look at items nine through fourteen, these are either no longer applicable or are noted in the report to have been satisfied. The last item is number fifteen and the applicant can comply with that request. If I can, I would like to turn to the Department of Engineering memorandum dated April 6, 2020. Mr. Valetudo, have you also reviewed that one?

Mr. Valetudo: Yes, sir, and that was part of the package that we had received.

Mr. Clarkin: Mr. Chairman, item number one is informational. Item number two is a discussion about the loss of two on street parking spaces if we were to construct on site spaces. In fact, this was the comment that prompted the discussion about whether to add on-site parking or not. With respect to item three, we are no longer providing on-site parking, so Mr. Valetudo there is no increase in impervious coverage, correct?

Mr. Valetudo: That is correct.

Mr. Clarkin: Instead there is an actual slight decrease that we discussed.

Mr. Valetudo: Very minor.

**Mr. Clarkin:** Okay, and for that reason we are not providing any drainage calculations, correct?

**Mr. Valetudo:** That is correct, and again my testimony stated that by virtue of the additional landscaping, tree, and a brand new lawn where there are currently just rocks is going to reduce the amount of runoff from this site.

**Mr. Clarkin:** Mr. Chairman, the next item. item number four is informational. Mr. Valetudo, can you address item five, please, about the water and sanitary sewer?

**Mr. Valetudo:** Right. In my opinion, two two-bedroom units is not going to have a type of additional usage that would require an upgrade in either of the units in either the water or the sanitary. Now, I must admit that I am not sure if some municipalities and water companies, they do not allow one line to be appropriated for two. So, I am not sure if there is a necessity or if another line would be by virtue of a requirement, not by virtue of optimal need.

**Mr. Clarkin:** Mr. Chairman, Mr. Valetudo previously addressed in his testimony that we will take care of any damage or replace as needed. That leaves us with the final professional report and that is the Mott MacDonald report that goes all the way back to September 17 of last year. If we can move to the technical comments on the second page, Mr. Valetudo can we make the corrections in item 1.a?

**Mr. Valetudo:** Yes, sir, most definitely.

**Mr. Clarkin:** Okay, can we add the comments and notes that are requested in item 1.b, as in boy, through e, as in Edward?

**Mr. Valetudo:** Yes, sir, most definitely we can.

**Mr. Clarkin:** Okay, as to item f, can we add the notes on the sewer and water connection fees, and the opening permits?

**Mr. Valetudo:** Yes, sir, we can.

**Mr. Clarkin:** As to item 1.s, in your opinion is there a need for a logistics plan?

**Mr. Valetudo:** In my opinion, no. We are not really making any expansion to the existing building and the type of work that we are doing, both that may be required in the public right of way and certainly in the rear yard is very minor.

**Mr. Clarkin:** Mr. Chairman, as to item three, since this report was prepared, we no longer consist of three bedrooms units, as we are now at two two-bedroom units. As to item 4.a, we are not having parking on the site any longer. As to item 4.b, the architect has already agreed to relabel the basement use for storage. And item five, can you address that, Mr. Valetudo?

**Mr. Valetudo:** Right, there is a retaining wall, and I have been out there, we can without any problem eliminate that portion that is within the right of way, but if an easement is what is required, that is obviously something that we can do. However, we would much rather just remove that five or seven feet of wall that is in the right of way.

**Mr. Clarkin:** Now, if you can switch hats and put on your planner's cap, we have one new variance, which is the number of parking stalls, can you justify that variance to the Board, please?

**Mr. Valetudo:** Yes, sir. In my opinion, this variance is a continuing non-conformity that can be granted under the flexible c(2). The benefits from the project to the city is that this current vacant property converted into a two family permitted use, while making significant improvements to the exterior structure, which is heightened by the fact that it is a corner lot. Providing the repairs to the curbs and sidewalks, as well as the brick pavers, as necessary and to limit the habitable space to the first and second floor, would not eliminate the staff requests and again I am not sure if there was any testimony, but the basement is also not going to be for another use except for storage. I do not see any detriment from granting this variance or continuing the existing non-conformity. Particularly, the parking as the City Department of Engineering had pointed out, we had installed three off street parking spaces where we had the room to do so, while we would have taken care of the parking needs, we would lose two on-street parking spaces that is of value for those in the area. In my estimation, it does not make any sense to add this impervious coverage just to add a net increase of one parking space. As is my opinion, the overall benefit to this application can outweigh any detriment and that is because I really do not see any detriment. I must also wonder how many of the tenants may not have automobiles, and favor other means of transportation, such as walking or public transportation.

**Mr. Clarkin:** Will the new variance and the continuation of the existing variance, can this be done without any substantial detriment to the public good?

**Mr. Valetudo:** Yes, as I previously stated there will not be any detriment from the property as there is ample parking available on street, in particular along Hale Street. And quite frankly the greatest improvement is going to be the aesthetic, not only with the facade of the building, but also with regard to the rear yard fencing, landscaping, as well as the new lawn area.

**Mr. Clarkin:** Final question, can the variances and the non-conformities continue without any substantial detriment or impairment to the city zone plan or zoning ordinance?

**Mr. Valetudo:** Yes, in my opinion, it can. All of the conditions on the property currently can be continued without any negative attribute.

**Mr. Clarkin:** Mr. Chairman, that concludes his direct testimony and he is available for testimony that has any questions or comments for this witness.

**Mr. Cox:** Does any member of the Board have questions for this witness?

**Katie Puniello (Principal Planner, Department of Planning, Community and Economic Development):** I just wanted to note that because the property is changing from a one to two family, we technically noted that there is a new variance for lot area and lot width.

**Mr. Clarkin:** Well, let me ask Mr. Valetudo the question. Technically that is an exacerbation, correct?

**Mr. Valetudo:** Yes sir, it is because while the zone does allow two family uses it does so with a higher requirement in terms of lot area and lot width. As such, it is intensified from the standpoint of being only a single family now, however it is already a variance. But I would say it is, because as we just indicated, it's technical, or in my opinion a paper

variance, from the standpoint that the footprint of the building is going to be incredibly enhanced aesthetically and that the additional off-street parking required by virtue of the second unit, in my opinion is minimal as we are not increasing the impervious coverage by adding three off street parking spaces.

**Mr. Clarkin:** Can the lot in its current size handle the second residential unit that is proposed?

**Mr. Valetudo:** Yes sir, in my opinion it can. As you indicated structurally in the layout, as Mr. Johnson has laid it out, it has been done to make each unit two bedroom units and there is by virtue of not having any off street parking ample area in the back for any residence that wish to have their own private backyard.

**Mr. Clarkin:** I am hopeful that, that addresses the concern that was just raised.

**Ms. Puniello:** Yes, it does. thank you.

**Mr. Cox:** Thank you. Does any other member of the Board or professionals have questions or comments for this witness? Seeing none, Mr. Clarkin, do you have anything else?

**Mr. Clarkin:** No, that concludes our direct case. Depending on whether or not we have input from the public, I may request to address the Board again.

**Mr. Cox:** Sure, absolutely.

**Mr. Dominguez:** At this time, we are preparing to open the meeting to public comment on this specific hearing for 5 minutes per person. In order to ensure that the Zoning Board can hear from the public and so that the public can hear public comment, I will organize the speakers by order of last name. In a moment, I will unmute the public call-in, at that time I will ask for those with the last name starting with the letter A provide me with your last name, first name, and home address. I will confirm that the information is correct and then move on to the next person ordered alphabetically from A to Z. Upon completion of asking for all last names from A to Z, I will ask one more time for anyone that may want to be placed on the initial list of speakers. We will then move through the list of speakers by calling the person by name and permitting them five minutes to speak. Once we complete the list, we will check once again if anyone else would like to submit public comment. After asking three times, I will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted, and to speak slowly and clearly for the benefit of all. I would ask that you please remain silent when I initially unmute the phone, so that we can all hear each other and then begin the speaking registration process. the phone is now unmuted.

**Mr. Dominguez:** I will now ask that members of the public that would like to speak on this specific hearing with the last name starting with A, please spell your last name and home address.

*Mr. Dominguez goes through the alphabet once. Julio Mora is placed on the initial list of speakers.*

**Mr. Dominguez:** Any other member of the public? Last call to comment on this particular hearing. one more time, any other person? Hearing no additional requests for speakers, the speaking order will be Julio Mora. The floor is yours, Mr. Mora.

**Julio Mora:** I just have two quick questions for the attorney. My first question is regarding page three of the planning report dated June 16, 2020, it shows on the left of the existing

home, the wooden portion, shows that the roofline has been raised or altered. Then I am looking at the June 2018 Google StreetView imagery, which was only a few months before the property was bought by in November 2018. Then isn't it true that from the day that Rain Lake Properties purchased the property to today, that there has been some alteration to the roofline? And this was done so without zoning approval, because I see also on page three it notes that the applicant was denied a zoning permit in December of 2018 to raise the roofline and add two bedrooms to the existing single family residence, C-278-18? Is that correct?

**Mr. Clarkin:** The answer to your question...

**Aravind Aithal (Board Attorney):** Mr. Chairman, if I may, there was a reference to a Google map is that part of the application package that was submitted?

**Mr. Cox:** No, I do not believe so.

**Mr. Aithal:** Yeah, I did not recall seeing it in the application packet either. If this question is predicated upon an exhibit that has not been provided to the Board, I don't know if council wants to object and obviously council is not required to answer questions where they can't see what references are being made, but I would certainly caution the board to opine about a question or comment that is made based on an exhibit that was not provided to the Board.

**Mr. Clarkin:** Yes, it puts the applicant in a huge disadvantage in trying to answer the question without having the exhibit. So, I would respectfully decline to address the issue.

**Mr. Mora:** Okay, and if I may, does that still apply even if Google StreetView is something that is publicly accessible to everyone, even though it was not put up in the material section of the application?

**Mr. Clarkin:** My answer, Mr. Chairman, is that without having it in front of me, I can't proceed to address the issue.

**Mr. Mora:** Okay, I understand. No problem. My other question was that earlier this year I passed the property where I noticed that in the rear yard, there was some work that was done in the house, and instead of bringing a container to the side of the street to put all of the material that was gutted from the inside of the house, it was all left in the rear yard, dumped in the lawn area within the retaining wall. I then advised the Zoning Officer and the Code Enforcement Officer of the city, of which afterwards I passed the property and did notice that the rear yard was cleaned up. So, was a container originally not provided near the property, so that the material could go into container instead of letting it sit, instead of letting it sit in the rear yard for who knows how many days?

**Mr. Aithal:** Mr. Chairman, if I may interrupt again, is this question that you are asking based upon the application to one of the witnesses?

**Mr. Mora:** I am asking if the attorney knows anything about this.

**Mr. Aithal:** Well, the attorney is not a witness. He is actually an attorney representing the applicant. He has proffered to witnesses if you would like to ask your question to one of them. I am not sure if there has been an objection to the question based upon relevance.

**Mr. Clarkin:** There will be.

**Mr. Aithal:** If you would like to propose the question to one of the two witnesses and then if there is an objection then the Chair could certainly ask what my opinion is about the relevance of the question which I'm sort of telegraphing to you that I am not sure that this relevant to the application.

**Mr. Mora:** Alright, fair enough. I was not aware I could not ask questions to the attorney. That's fine. Those were my only two questions. Thank you.

**Mr. Cox:** Okay. thank you, Mr. Mora.

**Mr. Dominguez:** Okay, so that was all of our list, but if anyone from the public that did not get a chance to speak would like to convey their opinion now. I will take names again.

*Charlie Kratovil is placed on the list of speakers*

**Mr. Dominguez:** Okay, Mr. Kratovil. I added you to the list. Anyone else? Last call? Mr. Kratovil, your five minutes begin now.

**Charlie Kratovil (P.O. Box 3180, New Brunswick, NJ):** For the record, I do swear to tell the whole truth and nothing but the truth.

**Mr. Dominguez:** Thank you.

**Mr. Kratovil:** You got it. I just had one question about the applicant. Can you tell me who owns Rain Lake Properties? Who is the principal?

**Mr. Clarkin:** Mr. Ping Gow.

**Mr. Kratovil:** Thank you very much. That is all from me.

**Mr. Cox:** Okay. thank you, Charlie.

**Mr. Dominguez:** At this time, I will ask one more time in case anyone from the public wishes to comment. Once again, asking if anyone wishes to have their say on the matter. Last call. Seeing none, the public comment portion is now closed.

**Mr. Cox:** Mr. Clarkin, do you have anything else you would like to say?

**Mr. Clarkin:** I do not. I think we have met the proofs for the one variance and the continuation of the existing non-conforming conditions.

**Mr. Cox:** Thank you. Any member of the Board have any questions or comments on this application. Seeing none, Katie, do you have the conditions of approval?

*Ms. Puniello reads the conditions of approval into the record.*

**Mr. Cox:** Thank you. Can I get a motion to approve?

**Mr. Dominguez:** So, we have eight members here, so Christian you will not be needed for the vote.

- Motion to Approve
- i. Sue McElligott
  - ii. John Zimmerman

	Yes	No
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castenada	✓	
Sue McElligott	✓	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Chris Sumano (Alt #4)		

Mr. Cox: Congratulations, Mr. Clarkin.

Mr. Clarkin: Thank you. Thank you very much. Hope to see you all soon.

#### VII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Cox: Does any member of the public have any comments or other matters of interest to the public, if you do please state your first and last name? Anyone that would like to speak, please state your name, then we will see how many people are there. Seeing none, we will close the public comment period.

#### VIII. DISCUSSION ITEMS

Mr. Cox: Are there any discussion items?

Mr. Dominguez: We have none on the agenda.

Mr. Cox: Seeing none, can I get a motion to adjourn?

#### IX. GENERAL PUBLIC COMMENTS

Mr. Dominguez: At this time, we are preparing to open the meeting to public comment on this specific hearing for 5 minutes per person. In order to ensure that the Zoning Board can hear from the public and so that the public can hear public comment, I will organize the speakers by order of last name. In a moment, I will unmute the public call-in, at that time I will ask for those with the last name starting with the letter A provide me with your last name, first name, and home address. I will confirm that the information is correct and then move on to the next person ordered alphabetically from A to Z. Upon completion of asking for all last names from A to Z, I will ask one more time for anyone that may want to be placed on the initial list of speakers. we will then move through the list of speakers by calling the person by name and permitting them five minutes to speak. Once we complete the list, we will check once again if anyone else would like to submit public comment. After asking three times, I will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted, and to speak slowly and clearly for the benefit of all. I would ask that you please remain silent when I initially unmute the phone, so that we can all hear each other and then begin the speaking registration process. The phone is now unmuted.

*Mr. Dominguez goes through the alphabet once*

**Mr. Dominguez:** Once again, is there anyone from the public that would like to speak up and comment? if so, please state your name and I will put you on the list of speakers. last call if anyone wants to make a general public comment? Seeing none, we will close the public comment portion of the meeting.

**X. ADJOURNMENT**

**Mr. Cox:** Can I get a motion to adjourn?

Motion to Adjourn

- i. John Zimmerman
- ii. Sue McElligott