



CITY OF NEW BRUNSWICK
ZONING BOARD
JUNE 29, 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 McElligot
	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's Zoning Board of Adjustment intends to meet on a regular schedule, will meet using the guidelines of the Open Public Meetings Act by utilizing 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. RESOLUTIONS OF MEMORIALIZATION

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

- Motion to Approve
- I. John Zimmerman
- II. Sue McElligot

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

V. PUBLIC HEARINGS

- a. OLEGARIO & FELIX PEREZ / 153 JOYCE KILMER AVENUE / BLOCK 241, LOT 3 & 4 (ZB-2019-04)
 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 F. Kelso, Esq.)

John Cox (Chairman): Mr. Kelso, before you get started, I would just like to ask if any member of the Board has any conflict with this application? Seeing none, Mr. Kelso, please proceed.

Aravind Aithal (Board Attorney): Mr. Chairman, this is Aravind Aithal. If I may interrupt, I have reviewed the notices, both the public notices and the mail-in, and all the notices are in order therefore this Board does have jurisdiction to hear this application.

Mr. Cox: Thank you, Aravind.

Thomas F. Kelso (Applicant's Attorney): Yes, members of the Board, this is Thomas F. Kelso on behalf of the applicant, Olegario & Felix Perez. As the Chairman indicated, this is an application for bulk variances and use variance approval in order to convert the existing three-story, two family house located at 153 Joyce Kilmer Avenue into a mixed use building with a small retail establishment at the front of the first floor, a three bedroom apartment in the rear of the first floor, a full bedroom apartment in the second and third floors combined. The property is located at 153 Joyce Kilmer Avenue, it is designated as Block 241, Lots 3 & 4 on the tax map, and it is located in the R-5A zone, which is single and two family residential. Mixed use, which is the retail component, is not a permitted use and therefore a use variance is required for that purpose, but in addition to the use variance there are a series of, what we will refer to as bulk variances, that are being requested. All of the bulk variances are existing conditions because of the building being existing. The first is a lot width of fifty feet, where a minimum of eighty feet is required, which is existing. A lot area of five thousand square feet, whereas a minimum of eight thousand is required, again an existing condition. A front yard setback of point three feet, where a minimum of ten feet is required and an existing condition. A side yard setback of one point fourty seven feet on the southwest side, whereas a minimum of fifteen is required again that is an existing situation. A building coverage of forty two point five percent, whereas a maximum of twenty percent is permitted. Again, the building is there, so that is an existing condition. A lot coverage of eighty nine point six percent, whereas a maximum of fifty percent is permitted. This is a slight increase because there is an existing lot coverage that is seventy seven point four percent, but we are now requesting eighty nine point six because of the improvements that are being made in regards to the parking. There is a floor area ratio variance of point sixty six, whereas a maximum of point thirty five is permitted. This is exactly the same condition that exists there today. Finally, the new variance is a parking variance, where we are requesting five spaces, which we are creating, as opposed to the seven that would be required otherwise. It is my intention to present three witnesses for you: our civil engineer, our architect and our planner. I would want to point out to you so that there is no confusion, we are requesting the use variance to permit a retail use in that first floor unit, which is approximately five hundred and twenty one square feet. We are asking for a general retail use, because my client is currently interviewing with a number of potential users. We did indicate previously in our application one for a vitamin retail store, we are also looking at a small salon, and so my request is that, if the Board were to see fit to grant this variance, including the use variance that it be provided for a retail use only. I would also recommend that it would be consistent with what is in the C-2A and C-2B zones, which are the neighborhood commercial zones. I know that the Board is familiar with many of these neighborhood retail uses that are combined with a residential use and the retail use is somewhat secondary to the residential use. So, we are requesting this, since we cannot identify for you at the moment which retail use would be one that we foresee actually being able to contract with for a lease agreement, and my planner will touch upon that in her testimony. So, if there are no questions for me, if I may be eligible to answer them now or any comments perhaps from council, then I will proceed with my first witness.

Mr. Cox: Does any member of the Board have any questions or comments for Mr. Kelso? Seeing none, please proceed to your first witness.

Brent M. Papi, Jr. is sworn in

Mr. Kelso: Mr. Papi, in your capacity I believe you are a civil engineer, is that correct?

Brent N. Papi, Jr., P.E. (Applicant's Engineer, East Point Engineering, LLC): That's correct.

Mr. Kelso: And in that capacity, you are familiar with the site plan and overall application that has been submitted on behalf of the Perez's that is before the Board this evening, correct?

Mr. Papi: Yes, that is correct.

Mr. Kelso: Can you give the Board the benefit of your professional qualifications and experience?

Mr. Papi: Yes, I have a Bachelor of Science in Civil Engineering from Rutgers College of Engineering. As you mentioned, I am a licensed professional engineer in the state of New Jersey. I am a certified municipal engineer. I am the planning board engineer for the Borough of Spring Lake Heights, and I have been practicing civil engineering and design for over twenty years, where I have testified before various boards including this Board.

Mr. Kelso: I would offer Mr. Papi as a qualified professional to provide testimony on this application.

Mr. Cox: We will accept him as an expert.

Mr. Kelso: Thank you. Mr. Papi, what I am going to do is just ask you, to not make this disjointed, is if you could just run through the civil engineering aspects of the application before the Board. Feel free to make reference to the exhibits that have been provided previously to the board and I know are on the website for viewing by the public and others. Again, I am going to allow you to just go through those. Feel free to respond to any comments from the professionals and the Board, you can cover those in your direct testimony.

Mr. Papi: Okay, thank you very much. I will be speaking to the exhibit C-2 of 6, it is site plan and general notes prepared by East Point Engineering, which depicts the site improvements in color and is dated, revised per TAC meeting on April 16, 2020. The sheet references on the left hand side boundary and topographic survey with existing conditions for the project site, which is known as Block 241, Lot 3.01. It is on the northern side of Joyce Kilmer Avenue. The site is located within the R-5A Single- and Two-Family Residential zoning district. It is bordered by a beauty salon to the northeast on Lot 2 and other residences on the remaining sides of the property. The subject property has fifty feet of frontage with a total area of five thousand square feet. It is presently developed as a two and one half story building, which previously had a retail store on the first floor and apartments on the first floor and above. There is also a detached garage towards the rear of the property. It has a paved driveway that leads from the garage towards the street. The applicant is proposing to renovate the inside of the building to continue with the retail use on the first floor, which is five hundred and twenty one square feet. There is door way access from the front of the building. He is also proposing a three bedroom apartment on the first floor with door way access on the east side of the building, and the second and third floors will have a single four bedroom apartment with door access on the front and at the rear of the building. The existing exterior staircase on the east side of the building, which is shown on the exhibit is proposed to be removed and reconstructed at the rear. The detached garage is proposed to be completely removed and replaced with a new paved driveway which provides access and off street parking for five vehicles including one handicap parking space. The existing public water and sewer line on Joyce Kilmer Avenue

will continue to serve the building. We will provide engineering reports and comply with RSIS Section 5:21-6.1 for sanitary systems and 5:21-5.1 for water systems, which were outlined in the engineer's review letter. Landscaping is proposed with shrubs and a shade tree. There are some foundation plantings that we will provide for the planning review letter, Item 7d along the sides of the building. We are also proposing a new shade tree on the front of the property. We will comply with all the landscaping requirements outlined in the Board planning and engineering review letters. However, with regard to the buffer requirement for the residential, which was comment 7a, the refuse and utility 7g, we will work with the planner, but due to the limited size of the property and the scope of the parking we might be restricted due to space limitations for meeting those requirements.

The proposed paved driveway will slope from the back of the property towards the front of the property towards Joyce Kilmer Avenue which is the current drainage pattern. All loading operations will be done curbside, and refuse and recycling will also be curbside to be picked up by the city. There is a proposed trash and recycling storage area at the rear of the building beneath the steps and deck, it is shown with refuse and a vinyl fence around it. Snow removal will be done in a manner to pull the most front portions closer to the street and then the rear portions will be stockpiled towards the back of the parking area bearing in mind that the width of the aisle will be 27 feet towards the rear which leaves some extra space for vehicle maneuvering around any snow piles. Tom, that is it for the site plan, I can speak to some of the variances if you would like me to?

Mr. Kelso: Yes, sir. Please do so.

Mr. Papi: Okay, the applicant requests the following variances with their site plan approval. Obviously, the use variance for the mixed use retail and apartment in a single- and two-family zone district R-5A. Lot size, where eight thousand square foot is required and five thousand square foot exists with no change. Lot width, where eighty foot is required and fifty foot exists where, again, no changes are proposed. Front yard setback from ten foot is required and there is a negative setback right now where no changes are proposed. Side yard setback where fifteen foot is required one point fourty seven foot exists on the west side where no change is proposed as the building is existing. Building coverage where twenty percent is permitted and forty-two point five percent exists again it is an existing building with no proposed change. Impervious surfaces where fifty percent is permitted and eighty nine point six percent is proposed where this is a slight increase to accomodate off street parking again as mentioned earlier the lot is undersized for the zone which presents challenges in accomodating the required lot coverage. After reviewing several concept plans with the city's Technical Advisory Committee, it was determined that the proposed parking spaces and access aisles were best suited for this proposed use and the surrounding area. We have a floor area ratio, where point thirty five is required and point sixty six exists with no changes. There is a parking variance suspension where seven spaces are required based on the proposed use and five spaces are proposed. The lot is undersized, again, for the zone, which presents a hardship where we are increasing the number of off-street parking spaces with these improvements. We will note that there are a number of neighborhood commercial uses that do not provide any off street parking to their patrons. We are providing parking off-street. It is anticipated that the retail use will be mostly foot traffic. There is also adequate parking for the apartments per RSIS for the apartment buildings. There is also on-street parking directly fronting the lot on the side of the street. The last I mentioned is the parking area setback, which was mentioned in the planner's review report, where feet foot is required from the property line and three foot is provided down the west side and one and a half are provided on the east side. Again, the lot is undersized and under the required width for the zone which presents challenges in accomodating the required parking setback. The off street parking

space's access aisles have been located in size to meet the ordinance requirements with input from the city's Technical Advisory Committee. That's all I have, Tom.

Mr. Kelso: All right thank you, Mr. Papi. And I believe that you have indicated that we will comply with the comments of the city's planning and engineering review memos, is that correct?

Mr. Papi: That is correct.

Mr. Kelso: I have no further questions for Mr. Papi.

Mr. Cox: Is there any member of the Board that has any questions for this witness? Seeing none, Tom, you can call your next witness.

Mr. Kelso: Yes, at this point I will call Mr. Joseph Hyland for testimony.

Joseph M. Hyland is sworn in

Joseph M. Hyland, AIA (Applicant's Architect): Yes, I am here.

Mr. Kelso: Mr. Hyland, you are a licensed professional architect in the state of New Jersey, is that correct?

Mr. Hyland: That is correct.

Mr. Kelso: And in that capacity, you are familiar with the application of the Perez family that is before the Board for the use and variances that have already been identified?

Mr. Hyland: Yes, I visited the site and I prepared the drawings that are labeled A-1, dated April 24, 2020.

Mr. Kelso: Could you give the Board the benefit of your professional qualification and experience?

Mr. Hyland: Yes, I have a Bachelor of Science degree in Environmental Design from Rutgers University and a Masters of Architecture degree from Virginia Tech. I am licensed as a professional planner and as a registered architect in New Jersey. I have given testimony as an architect before zoning and planning boards in New Brunswick, East Brunswick, South River, Sayreville, Highland Park, and [inaudible], New Jersey.

Mr. Kelso: I would offer Mr. Hyland as licensed professional architect.

Mr. Cox: Tom, we will accept him as a licensed professional architect.

Mr. Kelso: Thank you. At this time, Mr. Hyland, rather than me asking you specific questions, I am going to ask you if you could run through a general description of the architectural features of the building and with respect to that, I know that there were several questions and comments that were in the planning report. You can feel free to [inaudible] from the TAC review and feel free to review those comments [inaudible].

Mr. Hyland: Okay, I will do that. Thank you. 153 Joyce Kilmer Avenue is a wood frame, two and a half story, two-family structure with a vacant storefront on the first floor. The building looks to have been constructed one hundred years ago, in the late 1800s, early

1900s. I looked up Sanborn Maps and found that there was a different structure present on the site in 1912, and the current structure was present in 1950. The first floor has a vacant retail space of five hundred square feet in area. The new aluminum glass storefront window system has recently been installed, where it replaces a partially boarded up storefront and is an improvement. A new fire rated fabric canopy will also be added. The inside of the space will be retail space with displays, cash register areas and a new accessible restroom. There is currently a toilet in the basement that will be removed. The current utilities are code required and will remain, so there is no increase in the fixture water supply. The basement is unfinished and will have an automatic fire alarm added as it is considered a windowless basement, this is required by the New Jersey rehabilitation subcode. There is an existing basement sidewall door for deliveries that looks original to the structure. A one hour fire wall will separate the left side elevation of the store from the left side property line.

Apartment one is to the rear of the first floor behind the retail use, where they share a side entrance. The apartment is nine hundred and eighty-two square feet. It has three bedrooms, a bathroom, and a kitchen. Apartment two is on the second and third floor, and is a combined one thousand, six hundred and forty-six square foot area. There are four bedrooms, a kitchen, a livingroom, den, and loft. The main entrance is a stair in the front of the building. The secondary stair is relocated to the rear of the building, where currently it is on the right side elevation. On the exterior of the building, the following changes and/or will be made. At the front is an aluminum glass door window system as I mentioned. A new fire...I'm repeating myself. A new fabric canopy will be added. The existing aluminum siding will be repaired and/or replaced where damaged, and the entire building will be painted white. The side staircase to the second floor apartment is relocated to the rear and a walkway deck is added to the rear one story portion of the building for access to the second floor apartment.

That completes the building description. In response to the Bignell Planning report, Item C, and I will quote "Is the third level a lawfully habitable space? Why don't the bedrooms on that floor have any closets? What percentage of the third level has habitable ceiling height? Details of the City Inspection report should be provided." I will reply by stating that in inspection report dated April 7, 2015 indicated that the existing space is lawfully habitable for recreation, but needs zoning approval [inaudible]. The building code defines the space as a habitable attic and it can pass the requirements of having bedrooms. There are room and height area requirements, which I will discuss. An egress window will need to be added to each bedroom. I assume it is to connect the smoke detectors, which are existing, if not, they will be added. There is no closet requirement in the building code. There is an existing staircase to each floor. The applicable building code is the International Residential Code, New Jersey Edition, 2018, and the definition it has for habitable attic is an attic that has a stairway and means of access and egress, and in which the ceiling area at a height of seven feet above the attic floor is no more than one third the area of the next floor below. The area of the attic floor is five hundred and thirty-five square feet at a height of seven feet from above. The area of the second floor is one thousand, one hundred, and thirty-nine square feet. So, the attic floor is twenty-nine point forty-one percent of the area of the second floor. It qualifies as a habitable attic. The tunnel area of the third floor is five hundred and seven square feet. Floor area in the Building Code is defined as a room having a ceiling height over five feet. If the ceiling height exceeded one third the area of the second floor, then this floor would be considered a third floor and additional fire code requirements would be needed and possibly zoning requirements for a three story residence. So, by definition it is a two-story or two-and-a-half. In addition to a maximum area of the habitable attic, the building code has minimum area and height requirements for rooms and bedrooms. From the code R-3 of 4.1, minimum area

requirements, habitable rooms shall have a floor area of not less than seventy square feet except for the kitchen. Bedroom three is ninety-nine square feet at ceiling height of seven feet above. One hundred and sixty-two square feet total. Bedroom four is eighty-eight square feet at a ceiling height seven feet above. One hundred and forty five square feet total in floor area. Again, the floor area is taken at a ceiling height of five feet from above. R-3 of 4.2, minimum dimensions from the code, habitable rooms shall not be less than seven feet in any horizontal dimension. R-3 of 4.3, height affect of room areas, portions of a room with a sloping ceiling that measure less than five feet or a third ceiling of less than seven feet from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area of that room. Bedrooms three and four are ten feet, six inches wide at a height of five feet from above. Bedroom three is fourteen feet, eleven inches in depth and bedroom four is fourteen feet, five inches in depth. They exceed the minimum dimension requirements. In regard to the minimum ceiling height, R-3 of 5, the code requires habitable space, hallways and portions of basements containing these spaces to have a ceiling height of not less than seven feet. Bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than six feet, eight inches. Then there are exceptions, a room with a sloped ceiling, which is what we have, the required floor area shall have a ceiling height of not less than five feet and not less than fifty percent of the required floor area shall have a ceiling height of not less than seven feet. So, the code is stating that fifty percent of the seventy square foot required floor area to be seven feet for each room. A minimum of thirty five square feet of floor area must have a seven foot ceiling and, again, bedroom three has ninety-nine square feet with a seven foot ceiling, while bedroom four has eighty-eight square feet with a seven foot ceiling. They both exceed the minimum thirty-five square feet required floor area. So, they are compliant with the code for being a habitable attic, not a third story, and for the minimum area and height requirements for bedrooms. This concludes my testimony.

Mr. Kelso: All right. Thank you, Mr. Hyland. I will now ask if the Board wishes to direct any questions to him?

Mr. Cox: Is there any member of the Board that has any questions or comments for this witness? Seeing none, Tom, you can call your next witness.

Mr. Kelso: Yes, before I call my planner, I just want to put on the record that, on behalf of the applicant, to the extent of the hours of operation of the retail. As per our review, the Technical Advisory Committee, my client will voluntarily agree to restrict operation to be no earlier than seven am and no later than ten pm. I just want that to be on the record as a voluntary condition of any approval that the board may see fit to grant. At this time, I will call my final witness, Ms. Allison Coffin.

Allison Coffin is sworn in

Mr. Kelso: Ms. Coffin, you are a licensed professional planner for the state of New Jersey, is that correct?

Allison Coffin, PP, AICP (Applicant's Planner): That is correct.

Mr. Kelso: And in that capacity, you are familiar with the application that is before the Board this evening relative to the use and other variances of this particular application, correct?

Ms. Coffin: That is correct.

Mr. Kelso: Could you give the Board the benefit of your professional qualification and experience?

Ms. Coffin: All right. I am a licensed professional planner for the state of New Jersey. I am also certified by the American Institute of Certified Planners. I had my license for sixteen years now. In that time, I have been accepted as an expert witness for more than ninety communities within the state and I have appeared in New Brunswick for a number of months.

Mr. Cox: We will accept you as an expert.

Mr. Kelso: Thank you. Ms. Coffin, again without asking you specific questions, if you could provide for the Board your analysis of the variance request from the applicant. Provide your analysis and hopefully provide your planning support for granting these variances.

Ms. Coffin: It's my opinion special reasons exist for the granting of the use variance. Seeing that the site is particularly suitable to the proposed uses and there is no significant detriment to the zone plan and/or the surrounding residential properties that would result from the use variance or any of the other variances being requested. The special reasons that exist for this site admittedly that it is particularly suited for this type of use. We have a subject site that is located within a small site of mixed uses on Joyce Kilmer Avenue, including residential and commercial uses, and this mix of uses is consistent with the character of the area. In the north, immediately adjacent is a salon and beyond that is a grocery store with residential above. There is a used car dealer and repair shop at the nearby intersection of Joyce Kilmer Avenue and Sandford Street. The residential use that we are proposing is a permitted use, and the retail use that the applicant is proposing with a limited scale is only five hundred and twenty square feet in area total. So, we have a site that is located in a small commercial node within a residential area that makes it well suited for the mix of residential uses that is proposed, with a small commercial use on the ground floor. The bulk variances that are requested can be granted without detriment. The site has several pre-existing non-conforming conditions, which are not changed with regard to lot area, lot width, front yard setback, side yard setback, building coverage, and the FAR. The impervious coverage is currently non-conforming and the applicant proposes to increase it a little bit to accommodate a functioning parking lot on the site to provide five spaces that support the uses within this structure. The additional impervious surface allows for an improvement of the site in a manner that allows the site to function better and lessens the impact to on-street parking in the area. The impact of the increased impervious coverage is mitigated by the inclusion of new landscaping around the rear parking area. Another variance that we are requesting is for the number of parking spaces. While it is non-conforming, it will be adequate to support the mix of uses that are proposed, which can share the parking. In addition, there is on-street parking available in the area. The parking setback and buffering proposed, while non-conforming, will be effective in an undersized lot. The rear parking lot will be screened with a combination of fencing and landscaping to ensure that there is no impact off-site from the proposed parking back there. So, there is no substantial detriment that results from the granting of these variances. The proposed site plan will improve the site and the detached garage will be removed thereby improving light, air, and open space. The parking will be more effective and functional than the current street driveway. On the use adjacent to the bulk of the parking lot and the driveway is a salon, a commercial use, which would not be impacted negatively by the proposed parking lot. The adjacent residential uses are screened from the parking lot by the existing structure, fencing, and landscaping. The variances would not substantially impair the intent and purpose of the master plan or the zoning ordinance.

The ordinance anticipated two-family uses in this zone and the presence of two apartments on this site is consistent with the uses permitted. The retail use is small in scale and consistent with the pattern of development in this neighborhood and the application is consistent with the recommendation of the 2012 Master Plan Re-Examination Report which says that many New Brunswick neighborhoods have mixed use developments that is often inefficiently located in appropriate uses: corner stores, hair stylists, and similar convenience retail located at nodes within residential neighborhoods are good. Isolated retail scattered through the neighborhood are less optimal and inappropriate uses such as auto repair and light industrial detract from the quality of life in the neighborhood. The nature of this application is to improve housing options on this site and to provide a new retail space at one of these existing commercial nodes within a residential area, which the master plan identifies as good and which is an appropriate planning solution for this site.

Mr. Kelso: Thank you, Ms. Coffin. I have no further questions for her, if the Board wishes to direct any to my planner.

Mr. Cox: Any member of the Board have any questions for this planner? Seeing none, Tom, do you have any further witnesses?

Mr. Kelso: No, that concludes our presentation.

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.

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

Mr. Dominguez: Any other member of the public that would like to speak in regards to this project? Last call, anyone else that may want to comment on this particular project?

Mr. Cox: Seeing none, we will close the public comment portion. Tom, do you have anything that you would like to say at this point?

Mr. Kelso: No, I defer to the Board's discretion.

Mr. Cox: Okay. Board members, does anyone have any questions or comments?

Todd Bletcher: Mr. Chairman, this is Todd Bletcher.

Mr. Cox: Yes, Todd.

Mr. Bletcher: Can I just weigh in one quick part of this application for clarification?

Mr. Cox: Sure.

Mr. Bletcher: So, in the testimony, I noted that Mr. Kelso had indicated that the use would be a general retail use. That is information that we received when we processed the application and calculated the parking requirement to be seven spaces for retail. We also heard this evening that there is a possibility for some other type of retail use might be potential tenants for this site, and I heard that a salon might be potential tenant in this space. So, a parking requirement for a salon, hair salon, nail salon would be different than the retail parking requirement. So, the salon tenant would actually require eight spaces, where five are provided versus a plain old retail use, which would only require seven. So, I just didn't want the applicant to get caught in a situation where if the Board acted favorably, you would receive approval for the use, but not grant approval of a parking variance to let that use occupy that building. So, just be aware of that, and also it might make sense because of the parking standard in the ordinance, if it is a general retail use to exclude food uses like restaurants and delis that have a much more higher parking standard. General retail, to mean only dry retail like a bookstore, cell phone store, vitamin store, that sort of use or like what was mentioned, a beauty salon or hair salon, or some use to that nature. That is all, I just wanted to be aware of that so that the applicant does not get caught in that little nuance.

Mr. Kelso: If I may respond to what Todd just said. Yes, we are aware in the slight differential in the parking requirement for if there were to be a salon. Our belief is that the small square footage of five hundred and twenty square feet, we believe that the five spaces is more than sufficient for that. If the requirement technically is eight, then I would ask the Board to consider if they were so kind as to grant a parking variance, then perhaps the record can reflect that it be up to eight to allow that use to be included as it is a very small use. Frankly that is one of the things that they are looking at. So, I would amend our application to show that technically there is an eight space requirement and we receive a variance for the three spaces. As to the balance of what Todd has indicated, we do recognize the difference between that kind of a broader food use and deli use that would create a different type of parking requirement, that it cause the applicant to have to come back before the Board if that is the direction that they were going to go in, but I think in regards to the silent issue of one space we would ask to include that as part of the overall application tonight.

Mr. Cox: Thank you, Tom.

Mr. Dominguez: Given that we just had that exchange, Aravind, can you confirm that we may need to re-open public comment for this particular application.

Mr. Aithal: Yes, we will need to re-open to the public. I just wanted to confirm with Mr. Kelso that your client does not need to actually amend the application, as the notice includes language that you are asking for other such variances that is required by the Board. Where it seems that if the Board is requiring that if you are going to have personal service use in that location also, but you do have notice for a parking variance. It would just be a greater parking variance than what you had anticipated and the Board would

consider that. The second issue is, if I understand you correctly, your client has indicated that he will not have any tenants, such as restaurants, taverns, delis, bakeries. Just the sale of dry goods would be appropriate in that location, is that correct?

Mr. Kelso: Yes, what I am saying is that if there is deli or bakery, if they require a greater parking variance, what I am suggesting is that we couldn't have that use unless we came back and secured the appropriate parking variance increase. Although we recognize that those uses maybe appropriate, they would still be subject to Board review as they require additional parking.

Mr. Aithal: Okay, and the only thing that I wanted to confirm was, your planner, Ms. Coffin, she did indicate that the existing variances including the dimensional lot size, variances are required for the undersized lot situation, that the applicant could not get any property from the adjacent property owners because those also are undersized lots, is that correct?

Mr. Kelso: Yes, we accept that representation to the Board. That is correct.

Mr. Cox: Thank you.

Mr. Aithal: Thank you. Mr. Chairman, I apologize for the interruption.

Mr. Cox: At this time, we will re-open the meeting.

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.

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. Charlie Kratovil is placed on the initial list of speakers.

Mr. Dominguez: Any other member of the public that would like to speak in regards to this project? Last call, anyone else that may want to comment on this particular project? All right, Mr. Kratovil, the floor is yours.

Charlie Kratovil (P.O. Box 3180, New Brunswick, New Jersey): Thank you and just for the record, I do swear to say the whole truth and nothing but the truth. My main question is about that last exchange and I wanted to ask would exactly is being proposed, and if it

is legal per the Board's ability to grant a variance that is greater than what was originally contemplated in the application documents that have been shared with the public. I am just curious, as it appears the applicant is proposing to do eight instead of seven. Whereas the documents I am looking at it only talk about seven, so I am curious if that is legal. It is an interesting question to me.

Mr. Aithal: Mr. Chairman, if I may? This is Aravind Aithal.

Mr. Cox: Yes, please.

Mr. Aithal: The application does contain the general parameters of what they are looking to do which includes retail. As the Board planner had indicated, or the planning consultant, each of the different uses, especially the personal services, would carry a different parking requirement. The maximum parking variance reflected on the various uses that the applicant had indicated that they were looking to perhaps to have there under the C-2A and C-2B zoning uses would be eight. In terms of whether it is legal, it would not be legal if the applicant did not include the language requesting any variances that the Board would request as a result of the testimony or the Board hearing the application. So, the members of the public are in fact on notice that the applicant is looking for a parking variance. If the degree of the parking variance being one additional spot which is covered by the additional language, saving language, in the notice itself to the general public. So, it is legal.

Mr. Kratovil: Okay. Thank you for answering my question. I think that is all I have on this application.

Mr. Cox: Thank you, Charlie.

Mr. Dominguez: Are there any other member of the public that would like to speak in regards to this project? Anyone else? Last call? Seeing none. The public portion of this application is now closed. Tom, do you have anything else?

Mr. Kelso: No, we defer to the Board.

Mr. Cox: All right. Thank you. Katie, can you please list the conditions that will needed?

Katie Thielman-Puniello, Principal Planner, Department of Planning, Community and Economic Development, reads the conditions of approval into the record

Mr. Cox: Thank you, Katie. Do I have a motion to approve?

Mr. Dominguez: Since we have all the regular members present, the alternates do not need to vote on this application. Aravind, I would just like to confirm that means that alternates cannot make a motion as well?

Mr. Aithal: I'm sorry. I had you on mute. One of the regular Board members should make the motion and second.

Motion to Approve
I. Nancy Coppola
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)		

Mr. Cox: Congratulations, Tom.

Mr. Kelso: All right. Thank you, members of the Board.

- b. VELMA-HOMES, LLC / 54 RICHARDSON STREET/ BLOCK 86, LOT 27.01 (ZB-2020-08)

Variance application to demolish an existing one-family home in order to construct a new two-family home. Zoning District R-5A. (Thomas F. Kelso, Esq.)

Mr. Cox: Mr. Kelso, Before you proceed, I just want to check with all the Board members if there is anyone that may have a conflict with this application? Hearing no one, Tom, please proceed.

Mr. Dominguez: If I may, Aravind, since we have the full complement of the Board and no one seems to have any conflict, would it be unreasonable to allow the two alternates to leave the meeting if they so choose.

Mr. Aithal: Unless they wanted to stick around, Mr. Kelso, you have no problem with that, correct?

Mr. Kelso: No.

Mr. Dominguez: Charlotte and Christian, you are free to go.

Chris Sumano (Board Member): Thank you.

Mr. Aithal: Mr. Chairman, if I may interrupt again, I have had an opportunity to review the notices and the mailings, and the certification of mailings, and the certification of publication, and this Board does in fact have jurisdiction to hear this application as the notice has been found to be proper.

Mr. Cox: Thank you.

Mr. Dominguez: Mr. Kelso, you're on.

Mr. Kelso: I'm sorry. Members of the Board, Thomas F. Kelso, on behalf of the applicant, Velma Homes, LLC. This application is for variance approval to construct a two-family home containing one three-bedroom unit and one two-bedroom unit. The property is located at 54 Richardson Street and is designated as Block 26, Lot 27.01 on the current tax map. The subject property is in the R-5A zone, which is a single- and two-family residential district, whereas this proposed use is a permitted use. There are a series of variances, some of which are existing conditions. The first is for a lot width of fifty feet, whereas a minimum of eighty is required, once again an existing condition. a lot area of five thousand square feet, whereas a minimum of eight thousand is required, again an existing condition. a side yard setback of five feet on one side, whereas fifteen feet is required. I would point out that this is an improvement from the existing condition which currently has a one foot side yard setback. a total side yard setback of twenty feet, whereas a minimum of twenty five feet is required. A building coverage of thirty point three percent, whereas a maximum of twenty percent is permitted. A lot coverage of seventy four point six percent, whereas a maximum of fifty is permitted. Finally, a floor area ratio of point sixty nine to one, whereas a maximum of point thirty five to one is permitted. I will point out that there is an existing floor area ratio variation, which is currently point forty three to one. Overall, since this is a proposed permitted use, a two-family dwelling, it is the bulk variances and one FAR variance that we are seeking the Board's approval this evening. I will present three witnesses for you, our civil engineer, our architect and our planner. Unless the Board has any questions for me, I will proceed to my first witness.

Mr. Cox: Does any member of the Board have any questions regarding this application for Mr. Kelso? Seeing none, Tom, please move forward with your witnesses.

Mr. Kelso: Yes, at this time i will call Mr. Brent Papi for testimony.

Brent N. Papi, Jr. is sworn in

Mr. Cox: Mr. Papi, Have your credentials changed in the last hour?

Brent N. Papi, Jr., P.E. (Applicant's Engineer, East Point Engineering, LLC): No, they have not.

Mr. Cox: We will accept you as an expert witness.

Mr. Kelso: Thank you. Mr. Papi, you are familiar with the application that is before the Board this evening proposed by Velma Homes, is that correct?

Mr. Papi: That is correct.

Mr. Kelso: If you would just generally go through the various civil engineering items of the Board's interest and I will allow you to just proceed on your own.

Mr. Papi: Okay, thank you so much. I will be speaking to an exhibit that was submitted, it is titled 205 site plan and general notes, which is again prepared by East Point Engineering, LLC. It depicts the proposed site improvements colored rendered and dated last revised June 1st, 2020 for TAC review comments. The exhibit referances, on the left hand side, the existing conditions, boundaries, and topographic survey for the project site known as Block 86, Lot 27.01. It is located at the southern side of Richardson Street. It is located within the R-5A Single- and Two-Family Residential zoning district. Bordered by other dwellings along the rear and on both sides to the east and west. The property has

fifty feet of frontage with a total area of five thousand square feet. It was previously developed with a two-story, single-family dwelling with an asphalt driveway, which are to be removed. The applicant is proposing to construct a new two-story, two-family dwelling with a total of five bedrooms with a total floor area of three thousand, five hundred, and ninety-nine square feet. The dwelling will have one three-bedroom unit and one two-bedroom unit, and a paved driveway leading to three off-street parking spaces in the rear, which complies with RSIS parking requirements. The new dwelling will be served by new water and sewer at Richardson Street. Electric service is proposed to be buried from the nearest utility pole to the structure. The existing sidewalk and curb at the frontage will be replaced for the installation of said improvements. In addition, the applicant proposes to install new shrubs at the front of the building facade and a shade tree with shrubs in the rear parking area. The existing tree at the front of the property along the street is labeled to remain. There is a proposed fence refuse enclosure and a fence air conditioning enclosure located at the rear of the dwelling. Refuse and recycling will be curbside and picked up by the city. the natural topographic grade of the lot splits in two directions. Currently at the center of the property the proposed grade will slope from the back to the front towards Richardson Street. And by the request of the City Engineer, we have incorporated a stormwater management system, which includes a recharge trench at each side of the dwelling to mitigate stormwater runoff and any overflow will daylight through pipes at the curb. That is all for the site testimony, I can speak to the variances that you have listed.

Mr. Kelso: If you would, just briefly.

Mr. Papi: I will list the variances. As said, these are variances requested for site plan approval. Lot size where eight thousand square foot is required, and five thousand square foot exists. No proposed changes. Lot width, where eighty foot is required and fifty foot exists. Side yard setback, where fifteen foot is required, and five foot is proposed. Combined sideyard setback, where twenty five foot is required and twenty foot is proposed. Building coverage, where twenty percent is permitted and thirty point three percent is proposed. Impervious surface, where max fifty percent is permitted and seventy four point six percent is proposed. And floor area ratio, where point thirty-five is required and point sixty-nine is proposed. We will comply with all the comments in the City Planning and Engineering review reports.

Mr. Kelso: I have no further questions for Mr. Papi.

Mr. Cox: Thank you, Tom. At this time, does any member of the Board have any questions for Mr. Papi. Seeing none, your next witness, please.

Mr. Kelso: Yes, at this time I will call Mr. Gabriel Landaverde.

Rosario Mannino, AIA (Applicant's Architect, RS Mannino): Yes, I will actually be testifying myself, Rosario Mannino.

Mr. Kelso: Oh, I got a curveball. I am now calling Mr. Rosario Mannino, who is the principal of the firm, I believe. Is that correct?

Mr. Mannino: Correct.

Rosario Mannino is sworn in

Mr. Kelso: Mr. Mannino, you are licensed professional architect in the state of New Jersey, is that correct?

Mr. Mannino: Yes.

Mr. Kelso: And in that capacity, you are familiar with the proposed building, the layout of that building, and again the variances that were identified [inaudible]?

Mr. Mannino: Yes.

Mr. Kelso: Could you give the Board the benefit of your professional qualifications and experience?

Mr. Mannino: Sure. I have a Bachelor of Architecture from Florida Atlantic University. I am a registered architect in the state of New Jersey with over sixteen years of experience. I have been in front of this Board numerous times.

Mr. Kelso: I would offer Mr. Mannino as a qualified professional architect for direct testimony.

Mr. Cox: We will accept him as an expert architect.

Mr. Kelso: All right, thank you. Mr. Mannino, again I am just going to ask you to run through the architectural components of the building, to the extent that any of the variances can be supported through your identification, please feel free to do that.

Mr. Mannino: Sure. On the first sheet, titled ZB-1 with the date of April 3, 2020 with revisions on June 8th 2020, so starting on the right side is our first floor plan. You enter the building on the right side with a front porch. There is a single door that leads into a common area of a stair hall. To the right is a stair hall that leads you to the upper floor second unit and to the left is a door leading to the basement, which is on the left hand side of this sheet. The basement will have a laundry room, mechanical room, and a storage room for both units. Going back up to the first floor, its on the right side of sheet one, you first enter this unit, which takes up the entire first floor of this unit. You enter into open common area [inaudible]. The common area is three hundred and eighty nine square feet, which meets the limit of three hundred and fifty square feet. There are three bedrooms on this unit. Bedroom number one has an en suite bathroom. The other two bedrooms share the other bathroom. Each bedroom totals a maximum occupancy of six occupants in this unit. Through the second floor, next sheet, ZB-2, on the left hand side is the floor plan. It has a very similiar layout where you walk into a common area room with living and dining rooms. the common area here is three hundred and eighty nine square feet, again covering the minimum of three hundred and eighty square feet. There is a bedroom with an en suite bathroom and only a second bedroom with three occupants in each unit. Then there is one public bathroom. The other area is the study room, which I will now reference the planner's report. Line item number fourteen, we removed the door to the study, so the study will now be an open room with no door. Going through the elevations on sheet ZB-3, on the front facade we are proposing a stone veneer on the foundation line of the front only. The facade is made up of vinyl, cedar impression siding with a double gable to the left side and a lower portion that covers the front porch which is a metal standing roof which creates some contrast with some nice architectural elements. On the side and rear facade, the foundation line is a cement parging and all the siding above is similar to the front facade, all vinyl, cedar impression. And that concludes my testimony.

Mr. Kelso: All right. Thank you, Mr. Mannino. Just for the record, to follow up with Mr. Mannino's comments regarding the occupancy. After review with the Technical Review Committee at the time that the application was first submitted, we have agreed that for this application to identify specifically a twelve person occupancy restriction. That is a voluntary restriction by the applicant.

Mr. Cox: Thank you, Tom.

Mr. Kelso: If there are no questions for Mr. Mannino, then I will call my final witness, Ms. Allison Coffin.

Mr. Cox: Okay, Tom. let me just ask the Board if they have any questions for this witness.

Mr. Kelso: Yes.

Mr. Cox: Does any member of this board have any questions for this architect? Seeing none, Tom please move on to your next witness.

Mr. Kelso: Yes, I will call Ms. Allison Coffin for testimony.

Allison Coffin is sworn in

Mr. Kelso: I believe that Allison has testified previously.

Mr. Cox: Yes, Ms. Allison Coffin, have your credentials changed in the last bit?

Allison Coffin, PP, AICP (Applicant's Planner): Not that I'm aware of.

Mr. Cox: We will accept you as an expert witness.

Mr. Kelso: Ms. Coffin, again you are familiar with the application of Velma-Homes LLC that is before the Board currently?

Ms. Coffin: Yes.

Mr. Kelso: And you are familiar with the variances being requested in this case where we have a permitted use, but we do have one "d" variance and a number of bulk variances? If you could provide your support of those variances, and the analysis that you typically go through, and provide a recommendation and a conclusion to the Board.

Ms. Coffin: Yes. It is my opinion that special reasons exist for the granting of that "d" variance for FAR, that the site can accommodate the proposed FAR, and there is no significant detriment to the zone plan or to the surrounding residential properties that would result from the granting of the "d" variance for FAR or the other bulk variances that the applicant is requesting tonight. This is a case where the FAR and all the bulk variances all derive from having a permitted use on a lot which is undersized for that use as per the zoning requirements. So, the first thing that I looked at to see if this use was appropriate on the lot despite it being less than eight thousand square feet, was the character of the surrounding area. Within two hundred feet of the subject property, there are fifty-three developed lots. One of those lots is a mixed use with a single apartment above. The remaining lots have residential uses of varying intensities. There are two multifamily apartment developments within that area. One has thirty-four apartments on a lot, and the other has five apartments and that lot is adjacent to the subject site to the east. There

are twenty-nine lots that have single-family homes and twenty-one lots that have two-family dwellings, which is what the applicant is proposing. The two-family dwelling is an appropriate use for this area and is consistent with the neighborhood characteristic, but the size of the lot is in this case more important than the use itself. As this is a zone that permits two-family dwellings on minimum eight thousand square foot lots and the subject site is five thousand square feet. Therefore, the issue is more so to the continuance of an appropriate population density based on the existing development pattern of this neighborhood. To determine if the proposed two-family dwelling on a five thousand square foot lot is appropriate for this area, I looked at those twenty-one two family homes in the neighborhood surrounding the lot. There are zero two-family homes on conforming eight thousand square foot or greater lots. The only lot within two hundred feet of this site that meets the area requirements is that lot that was developed with thirty-four apartments. There is one two-family home on a six thousand, two hundred square foot lot. So, there is one lot that is larger than the subject site. There were six two-family homes on lots of identical area and dimensions to the subject site on fifty by hundred foot lots. The remaining fourteen two-family homes are on lots, which are smaller than the subject site.

My opinion as the planner was that the proposed two-family home on this undersized lot advances the purposes of the Municipal Land Use Law with regard to providing for an appropriate population density and concentration which will contribute to the well being of persons, this neighborhood, the community, and this region. So, the FAR that we are proposing is greater than what is permitted, but it derives a large part from the undersized nature of the lot. In this case, it can be accommodated on the lot without substantial detriment as the lot can accommodate the two units, the extra FAR, and still provide the appropriate off-street parking. The bulk variances can be granted without detriment as the lot area and lot width variances are due to the existing dimensions of the lot, and additional land is not available to increase the size of the lot. The proposed coverage variances are necessary and appropriate to support the use. The ordinance permits a twenty percent building coverage on an eight thousand square foot lot, which allows for a building footprint of one thousand six hundred square feet. The proposed building coverage on a five thousand square foot lot creates a building footprint that is one thousand five hundred and fifteen square feet, which is smaller than what the zone intends on a conforming lot. So, the size of the building that we are proposing is consistent with what the ordinance anticipates for a two-family home. The ordinance also permits a fifty percent impervious coverage on an eight thousand square foot lot for four thousand square feet of impervious coverage. The proposed impervious coverage on this lot is three thousand seven hundred and thirty square feet, which again is less than what the ordinance intends to support a two-family use. With a side yard setback variance that we are requesting also derives from the size of the lot. If the lot had an eighty foot width then the side yard setbacks would be able to conform. There is no substantial detriment to the granting of the requested variances. There is no negative impact to the surrounding properties due to the nature of the use and the density is consistent with the character of the neighborhood. One of the goals of the master plan is to increase residential land uses through infill, rehabilitation, and redevelopment at housing densities and types appropriate to the character of the existing neighborhood which is what the applicant is proposing to do. The master plan recommends this area for single- and two-family dwelling developments, and the proposal is consistent with that. The site plan also brings the lot closer into conformity with the existing front yard setback variance eliminated, and the side yard setback is improved. With regard to the impact to the master plan and zoning ordinance, the application does not have a detrimental impact.

Mr. Kelso: Thank you, Ms. Coffin. I have no further questions for the witness and that concludes our presentation.

Mr. Cox: Thank you. Does any member of the Board have any questions for this witness? Seeing none, at this time we will open it up to the public.

Mr. Dominguez: I got it.

Mr. Cox: Thank you.

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.

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 full name and home address.

Mr. Dominguez goes through the alphabet once. Charlie Kratovil is placed on the initial list of speakers.

Mr. Dominguez: Any other member of the public that would like to speak in regard to this project? Last call, anyone else that may want to comment on this particular project? All right, Mr. Kratovil, you're on.

Charlie Kratovil (P.O. Box 3180, New Brunswick, New Jersey): Just one question, who is the principal of Velma-Homes?

Mr. Kelso: Yes, I am just trying to pull up the information. Yes, there is Fotios Velmahos and Vasilios Velmahos.

Mr. Cox: Okay.

Mr. Kelso: I just wanted to pronounce them correctly.

Mr. Cox: Thank you, Tom.

Mr. Kratovil: Thank you, Sir. That is all on this application.

Mr. Cox: Thank you, Charlie.

Mr. Dominguez: Are there any other members of the public that did not get a chance to speak, who would like to make their comments heard. Anyone else? Last call. Seeing none.

Mr. Cox: We will close the public portion of the meeting. Does any member of the Board have any comments?

John Zimmerman (Board Member): Yes, this is John Zimmerman. Just a quick question about the parking. How many off-street parking spots are they going to have?

Mr. Papi: This is the Engineer. Three off-street parking spaces.

Mr. Zimmerman: Only three off-street for twelve residents?

Mr. Papi: This conforms with RSIS Requirements based on the number of bedroom units.

Mr. Zimmerman: Yes, I understand that. How many parking permits are they allowed to have? Does anyone know that answer?

Mr. Kelso: You know, John, I think it is one regular and one visitor for each unit.

Mr. Zimmerman: Okay.

Mr. Kelso: It is something like that.

Mr. Zimmerman: Okay. I am just concerned, you know Tom, as well, that area is tough to park up there and almost all of the college kids that rent these houses all have cars. It is not like you are talking about a different demographic.

Mr. Kelso: Again, we meet the parking requirement, which is what our responsibility is and what the resident permit parking. And I think the location you do have a certain number of residents owning cars there, so.

Mr. Zimmerman: Okay.

Mr. Cox: Any other Board member or Board professional have any questions or comments on this application? Seeing none, Mr. Kelso, do you have anything else?

Mr. Kelso: No, I defer to the Board's discretion.

Mr. Cox: Okay. Can you list the conditions please?

Katie Thielman-Puniello, Principal Planner; Department of Planning, Community and Economic Development, reads the conditions of approval into the record

Mr. Cox: Thank you, Katie. Do I have a motion from the Board? Would any member of the Board like to make a motion?

- Motion to Approve
- I. Ivan Adorno
- II. Nancy Coppola

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

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

Mr. Cox: Congratulations, Tom.

Mr. Kelso: All right, thank you to everyone on the Board for your patience and attendance.

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Cox: At this time are there any other matters of interest to the public?

Mr. Dominguez: At this time, we are preparing to open the meeting to general public comment 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.

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 full name and home address.

Mr. Dominguez goes through the alphabet once. Charlie Kratovil is placed on the initial list of speakers.

Mr. Dominguez: Any other member of the public that wish to add themselves to the list of initial speakers? Anyone else? All right, Mr. Kratovil, you're on. Everyone else, please mute your phone so that we can hear him clearly.

Charlie Kratovil (P.O. Box 3180, New Brunswick, New Jersey): Good evening, members of the Board, I have a few questions that Mr. Dominguez can help me with. Has the city received any site plan application for either the cancer institute or the new school that has been proposed?

Mr. Dominguez: No.

Mr. Kratovil: Okay, is there is a date that there will be a hearing on the long-range facilities plan for the amendment that the school district has put forth?

Mr. Dominguez: At the moment, we are intending to have a Section 31 review for the review of the acquisition of 50 Jersey Avenue at the Planning Board hearing on July 6.

Mr. Kratovil: Okay, so this would be Section 31 hearing on 50 Jersey Avenue, but not on the current Lincoln Annex site?

Mr. Dominguez: Correct, our reading of the statute and NJAC indicates that the only requirement at this moment is Section 31 on the acquisition component. My reading of Section 31B, which deals with long-range facilities plans is specifically with regard to new plans, not amended plans. This would be an amended plan, not a brand new long-range facilities plan, so we do not need to have a specific hearing on that, but we do need to have a hearing on the correspondence that the Section 31 review and correspondence that I did transmit to you, I don't know, maybe a couple weeks at this point. The state also requires that as part of the process for acquisition of the land.

Mr. Kratovil: By the school district?

Mr. Dominguez: Correct.

Mr. Kratovil: Okay. Forgive me, we know very little on how this land deal is being done. The Board of Ed has been, you know, nothing short of absurd with their confiscation and untruths. So, you know, I guess it does make sense for the Board of Ed to own the land, but with so many players involved, you know, we do not know the current status, but I will move on. I owe your attorney a letter that I am still working on. I wanted to let him know that and ask if there was any update from Rutgers from the ADA violation matter. Do they have a date to come before the Planning Board or any additional explanation?

Mr. Dominguez: Aravind?

Mr. Aithal: I do not have any update on that.

Mr. Dominguez: Yes, I believe that we were waiting on your letter and we were going to send a letter of our own to Rutgers. Unless, Aravind, that letter has already been sent out, but I do think that we were waiting for Mr. Kratovil's letter?

Mr. Aithal: Yes.

Mr. Dominguez: Yes.

Mr. Kratovil: Okay, well I won't make you wait much longer. I am working on it. Finally, if there is anything about the ordinance that the Council just passed to change the redevelopment entity for both the sites we were talking about, the cancer institute and the new school site. I am a little puzzled why the MCIA is getting involved and why the Housing Authority is being taken off the responsibility, and I just wanted to see if you could shed any light on what's the logic behind this and how will this affect the land use approval process. If it is the MCIA being the redevelopment entity.

Mr. Dominguez: Well, Mr. Kratovil, I do not have a lot to comment on this, but I will say that they are the redevelopment agency. So, in this case they would be designating whoever is the redeveloper. So, that process would, more or less, look exactly the same from a land use board perspective. All the site plan and other contingencies would look exactly the same. I do know that

it is not entirely unprecedented. I want to say, off the top of my head, that the City Council did actually make themselves the redevelopment agency on the Scattered Site Redevelopment Plan, which you may recall vaguely was for several single- and two-family homes that were abandoned throughout New Brunswick. So, I think that in that case the City Council is acting as redevelopment agency even though no one has been designated in terms of that redevelopment plan. But as far as the why, I do not have anything to comment on.

Mr. Kratovil: Okay. Well, thank you for answering my question. I hope to see you all very soon. Thank you for your time.

Mr. Dominguez: Have a good night, Charlie. Are there any other members of the public that wish to speak? Any other members? Seeing none.

VII. DISCUSSION ITEMS

VIII. ADJOURNMENT

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

Motion to Adjourn

- I. John Zimmerman
- II. Sue McElligot