



CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT
AUGUST 24, 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 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 in to 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 JULY 27, 2020 MEETING

Motion to Approve

I. John Zimmerman

II. John Cox

| | 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. RESOLUTIONS OF MEMORIALIZATION

A. PECES CORP / 159-161 THROOP AVENUE / BLOCK 217, LOT 1.01 (ZB-2019-05)

Aravind Aithal (Board Attorney): Sorry, I was on mute the whole time that I was going through that. Mr. Chairman, this is Aravind Aithal, Board Attorney. I have had an opportunity to speak with the applicant’s attorney regarding this matter. Based on the language on a draft that was circulated to the Board members, there may be an amendment to this resolution of approval. I am asking that it respectively be carried to the next meeting.

John Cox (Board Chairman): Okay, thank you. Do we need to have a vote on them?

Mr. Aithal: No, a vote is not necessary.

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.)

Mr. Dominguez: That one is being carried to September.

Mr. Cox: Will they need to re-notice or is this going to be the notice?

Mr. Dominguez: Aravind?

Mr. Aithal: Well, I do not know the reason why it is being carried, so I can't opine as to the notice. Do we know why it is being carried?

Mr. Dominguez: I believe that there were some technical hiccups in their plans that they needed to address in their plans before bringing it back to the board.

Mr. Aithal: Okay, if the notice is complete and it is appropriate for this meeting then no new notice will be required. I have not had an opportunity to go through the notice for this meeting that was provided. So, I will contact the applicant's attorney and let them know whether they need to re-notice or not. But if there is another date, it should be announced and put on the record that the meeting is being carried to that date without requirement for further notice pending my review of the notice for this meeting.

B. COMMUNITY ASSET PERSERVATION CORPORATION / 45 REMSEN AVENUE / BLOCK 140, LOT 4.01 (ZB-2020-10)

Preliminary and final site plan application with use and bulk variances to construct 11 residential units in two three-story buildings with eight on-site parking spaces and three bike racks. Zoning district R-5A Single- and Two-Family Residential. (James F. Clarkin III, Esq.)

Mr. Cox: Do any Board members have any conflict with this application?

Mr. Dominguez: Mr. Chairman, can you sit over here next to me?

Mr. Cox: I am just going to ask if any Board members have any conflict with this application. Please speak up now. Hearing none, Mr. Clarkin, please go ahead.

James F. Clarkin III, Esq. (Applicant's Attorney): Thank you, Mr. Chairman. Good evening, Board members, Professional Staff, [inaudible]

Mr. Dominguez: Let's try this again.

Mr. Clarkin: Good evening, Board members and professional staff. Attorney James Clarkin from the firm of Clarkin & Vignuolo for the applicant. Mr. Chairman, with your permission considering the technical difficulties that we have had, in order for me to project and be heard because we don't have microphones here, I am going to ask that I make the presentation without my mask. I am five to six feet away from you.

Mr. Cox: Yes, that is no problem.

Mr. Clarkin: Thank you. This is an application to construct eleven affordable rental housing units by the applicant, which is a non-profit organization headquartered here in New Brunswick. The subject property is a vacant lot and has been since 2012 when a church structure was demolished after a fire. The proposed use is inherently beneficial. A number of

variances are required. First, the proposed multi-family project is not permitted in the R-5A Single- and Two-Family Residential Zone in which the property is located. Floor Area Ratio and a “d” height variance is also being requested. In addition, “c” variances for the number of parking stalls. Building setbacks and coverages are also being requested. You will shortly hear testimony that the “d” variances can be justified and that the site can handle the FAR and the proposed building height. Testimony will also be presented that the variances for the number of parking stalls is easily justified and is consistent with the level of parking approved by the Zoning and Planning Boards in similar applications in the past. You will also hear testimony that the other “c” variances are subsumed in the analysis for the use variance. But, however, we can separately justify them in what we call the flexible c(2) analysis, where we weigh the benefits and detriments of the application as a whole. We have three witnesses to present to you this evening. The first is our architect, who will review the elevations and the floor plans, and explain how the proposed structure will blend into the neighborhood. Next is our engineer who will review the proposed site improvements. Finally, we have our planner who will give you the reasons justified for the variances that we are requesting for your approval. We also have a [inaudible] for the lot [inaudible]. As you can see from the testimony this evening, [inaudible] I ask that [inaudible] and finally construction [inaudible]. Mr. Chairman, unless you and the Board members have any questions, I will call on my first witness.

Mr. Dominguez: Thank you. If I can just take a second. If everyone who is here, please mute themselves unless it is their turn to speak, it would be very appreciative to avoid any feedback issues. I'd rather not have to mute you myself.

Mr. Clarkin: Not hearing any additional question, Mr. Chairman, I will call my first witness who is Mr. Christian Uhl.

Christian Uhl, AIA (Applicant's Architect): Hello, I am Christian Uhl. Can everyone hear me?

Mr. Clarkin: Yes, can you raise your right hand please? We are going to swear you in.

Christian Uhl, AIA, is sworn in

Mr. Clarkin: Thank you. Christian, please give the Board the benefit of your professional expertise.

Mr. Uhl: I am a registered architect in New Jersey and New York State. I have a master's degree from the Bartlett School of Architecture in London and an undergraduate degree in environmental design from Miami University in Oxford, Ohio. I have been practicing in the field for 25 years.

Mr. Clarkin: And you have been licensed in New Jersey for that amount of time as well?

Mr. Uhl: I have not. I have been licensed in New Jersey for about a year and I have been licensed in New York State for 10 years.

Mr. Clarkin: Have you testified before other planning and zoning boards?

Mr. Uhl: I have.

Mr. Clarkin: Have your credentials always been accepted?

Mr. Uhl: Yes, they have.

Mr. Clarkin: Mr. Chairman, I would offer him up as an expert in the field of architecture.

Mr. Cox: We will accept him as an expert in the field of architecture.

Mr. Clarkin: Thank you. Christian, can you please summarize the application as you know it.

Mr. Uhl: I will. Are the slides able to be put up or should I just work without those?

Mr. Dominguez: I can put them up for you, Mr. Uhl. Do you know what specifically you want me to post on there?

Mr. Uhl: So, the file is actually called 45 Remsen and it has a 200824 in front of it. It's a pdf.

Mr. Dominguez: Got it. Give me a second to share my screen.

Mr. Uhl: Thank you. I appreciate it.

Mr. Dominguez: Okay. I am sharing the screen. Do you see it, Mr. Uhl?

Mr. Uhl: Yes, but that is the wrong file. There is another file that is the presentation. I am sorry about that. I can share my screen also.

Mr. Dominguez: Okay. It's this number right here, right?

Mr. Uhl: That is the planning submission. Let me see. It was the one sent via email.

Mr. Dominguez: Okay. Let's see if this is it.

Mr. Uhl: Yes, that is the one.

Mr. Dominguez: Okay. And this is Exhibit A-2 for anyone at home on their computers. It is loading. It has not loaded for me as it is taking its time. Just bear with us.

Mr. Uhl: Okay, you can just go to the next slide. As Jim mentioned, we are here to present a site plan proposal for a multi-family stacked townhome development at 45 Remsen Avenue in the Unity Square Neighborhood in New Brunswick on Redmond Street. The Unity Square neighborhood in this scenario, the next slide, is composed primarily of single and two family housing of townhouse style, post-war housing which you can kind of see mixed within the urban fabric here and its relation to the city beyond. The orange dot is the site in the middle of all that. Can we go to the next slide? This is looking...

Mr. Aithal: Mr. Chairman, this is Aravind Aithal, the Board Attorney. If you can hear me, If you can make reference to what document you are referring to for the benefit of those that are not on their computers.

Mr. Dominguez: This is Exhibit A-2 of the application.

Mr. Aithal: Okay, and just so we are clear where would A-2 be?

Mr. Dominguez: In the Exhibit and Supporting Documents. Section A-2.

Mr. Aithal: Good, Thank you.

Mr. Dominguez: Okay, proceed Mr. Uhl.

Mr. Uhl: Okay, so essentially, I am showing you an aerial of the overall neighborhood to give you a sense of the overall scale of the two and a half to three story housing. Some connected townhouse style developments. But obviously a collection of other housing that has built up over the past two centuries. I think can you go to the next one.

Mr. Clarkin: Is this where you would like to tell us about the history of the site, Christian?

Mr. Uhl: Yes, the composition of the housing that we were looking at from up above are a collection from different eras. We have a collection here shown, just some of them, larger style single family housing, mansions from the Gilded Age, early part of the 20th century/ late part of the 19th century, there is some worker housing in New Brunswick, and many smaller more modest housing, that were built in the industrial era of the early 20th century. There is much single-family housing of various sizes and styles are infill in those neighborhoods. And then there is more multi-family housing that is built during the post-war period. Predominantly that is a 20th century type of phenomenon. Some depicted here in and around New Brunswick. The next slide. Sorry, I am getting a little bit of a delay. This is the aerial today to see the urban fabric as it is in relation to the city and the sort of quantity and size of that in relation to the site which is the red dot again. Next slide. As part of our design process, we looked closely at the history of the neighborhood to better understand the basis of context for our design proposal. So, we found this map which shows the core area that we are looking at from 1872. As many of you know, that site was a masonic temple and that temple is shown as sort of this blue square at the corner within the red dot at the site. A much smaller area for the neighborhood as obviously it has expanded over the past few centuries, but it always had a strong link to the downtown fabric. It was clearly a prominent site on the corner. Next Slide.

Mr. Clarkin: This is the masonic temple?

Mr. Uhl: This is the masonic temple. The temple was larger than the other buildings. It was a suddenly ornate kind of brick building. Quite large for the neighborhood and occupied most of the site. The post cards that we came across obviously depict this building as a significant structure for New Brunswick to get a sense of the presence and sort of the relationship nearby. Some of the buildings that you are seeing in the periphery are probably still there. Although they have been altered like the one to the right of the masonic temple in this image and in the next image. Looking up Remsen Avenue, you can see some of the historic buildings in the distance there and also those directly adjacent there to the temple. Next slide. The building, as Jim said, was a Pentecostal church when it caught fire in 2012 and was demolished shortly afterwards and is currently a vacant lot today. Next slide.

Mr. Clarkin: Okay, let's describe the site and the nearby area.

Mr. Uhl: Okay. Looking closer into the aerial of the site. This is actually a picture showing Remsen and Redmond looking directly into that corner. The building that you are seeing from the right is probably a remnant from some of those post cards. Potentially both sides with buildings flanking that have been altered and I think that potentially mostly, or at least one of them, multi-family housing. Go to the next slide. This is looking south on Remsen and seeing that building directly adjacent on the foreground here. And then the next slide. And then looking at the site from Redmond Street. One of the features of the site is that there is a five foot grade change from the corner of Remsen down to the site property line on Redmond. So, the buildings have to address that grade change and sort of deal with it as a design issue. Next slide. In this view, you get a sense as to the context of the predominantly, as I said, two and half to three story structures that have been converted to multi-family. Stylistically they are mixed

Italian Eight, Queen Anne, and colonial structures. Many of these have raised parlors or stoop level/parlor level floors with stoops that meet the street and are slightly set back. Next slide. This is an image of the buildings of the previous styles described that are directly across the street on Remsen. You get a sense as to the sort of variation in height in this neighborhood, and on the left you see the two and a half type story and other ones that were more grand structures on the parlor levels and have more of what is a full three story building height. Those sort of remain that height with the mansard roof all the way to the corner and you can see some of the details still left in these buildings. A lot of it has been covered over by siding or stucco, but you do have some windows surround and some brackets with the Italian style and Victorian features that are on individual buildings. This is the block that the project is on to Welton and I am showing the corner building there in the way that different gables. Some gable ends are meeting the street with some of the colonials and the Queen Anne's, and then others have a different way that they meet the street with lower sloped roofs and sort of the flat edge meeting the street along Remsen. Next slide. This is the Unity Square Community Center that was once a firehouse, now serves as an example of adaptive re-use in the neighborhood. Next slide. This shows the modern addition, the firefighters museum that was added to it which we think this is a nice sort of symbol for the vitality of the neighborhood and I think it works well with creating a sort of variation in style of different buildings along the street. Holds the corner very well, another prominent corner site. Next slide. We picked a couple of buildings around the neighborhood that we felt looked good. This is 47 Welton, we thought this was a nice multi-family that had a scale of single family housing and we were looking at the kind of way that it used the gables to break that up along the street and obviously it looks like a collection of buildings that combined to make this project. Next slide. We also looked around to New Brunswick at large and brought this example forward which is a series of stacked townhouse development. We thought scale-wise it addressed the street well with how the stoops met the street and with plantings, and the way that the overall elements of design broke down the façade which made the individual units kind of stand out as an element. Next slide. This is a closer view of those stoops and plantings.

Mr. Clarkin: Alright, Christian, what is the overall site plan that is being proposed?

Mr. Uhl: Overall site plan is for two separate structures: Stacked townhouse group #1 and stacked townhouse group #2. One on Remsen and one on Redmond. There are eight units in the Redmond Street group and three units in the Remsen Street group. The buildings are set back five feet from the property line in the front yard along Redmond, and we have a one foot front property line setback along Remsen. And then five feet along the short end of those two structures. Adjacent to the properties next door along Remsen and Redmond. These buildings essentially create a street wall along both of those streets, obviously along Redmond step back to create some stoops. Along Remsen which is sort of a bigger thoroughfare, it holds the street line, which we think is a sort of good urban strategy and it creates the area for the parking entrance. And the buildings themselves conceal the parking from the street.

Mr. Clarkin: What are the setbacks from each of these streets?

Mr. Uhl: The setbacks from the street are one foot along Remsen from the front property line and on Redmond Street it is five feet from the front property line. And on the two adjacent properties there are rear yards on the short end of those pieces of property, and then obviously a much larger setback over the parking area on both sides as well.

Mr. Clarkin: Okay, spend a minute and please describe the [inaudible]

Mr. Uhl: Okay, go to the next slide. This is a closer view of this where you can see the setbacks with walks and buffers that are created on those sides. And, also, how the stoops occupy the

setbacks on Redmond Street. We will also have a walk that is in between the two buildings. They create a sort of visual relief and divides those into two separate structures which allows access to the parking area and also some porosity along Redmond Street. You can also see that in this case the roof is formed in a series of hips and then gable ends, and the parking is also concealed at the bottom end underneath the building. You are seeing a dashed line in there to show that the parking is basically underneath the first level which we will show in our sections a little bit later. The dashed lines and squares in this roof are wells in those hip roofs for mechanical space.

Mr. Clarkin: Can you please review the floor plan for each of the proposed structures?

Mr. Uhl: Certainly, Next slide. We are looking at the ground floor plan here. We have taken the roof area off at the dashed line, but you can see the parking in the back, the parking entrance at the Remsen Street side. Right inside the parking area there is also a corral area that is shielded from the street for garbage and recycling, and those two, two and half yard containers. There are, along the street on Redmond, four one-bedroom units at grade level, and then one, one-bedroom unit on the corner of Remsen and Redmond. Those are all accessible from the street with these sorts of entrances where there are two entrances one for the unit that's above the parking entrance on Remsen and one for the Unit #5 here on the corner. And then along Redmond, there are a series of stoops that allow access to the upper level units and then an individual door for all of the one-bedroom units are accessed either off the walk along the street on Redmond. Underneath Unit #5 on the corner, there will be a cellar that will be used for mechanicals, you know, utility point of entry, distribution, metering. So, no exposed meters, the meters will be in the basement and long-term bike storage will be housed in that basement as well. And then along the street there are walks with plantings at intervals as well stoops to activate the street frontage. A streetscape along Redmond that is more familiar to some of the adjacent properties where the stoops are located along sidewalks. Next slide. The other floor plans, as I said, the entrance around the grade have elevated stoop levels and the other are two and three bedroom units along Redmond in each of these that these are the sort of living and dining areas of the apartments, and then they have an upper level that is for bedrooms. Go to the next slide. And those bedrooms are two- and three-bedroom units that are housed at that third level. These individual units are separated by a fire wall and they have their own stairs that are directly to the exterior that is not shared with the other units. And these units are ranged, all of these units are ranged from about 425 square feet to 1,400 square feet. Total gross square feet is around 12,340 square feet, that is including the mechanical basement at Remsen. One of the features of this particular massing is that the setbacks and this walk and the orientation allow windows on kind of all sides of the units in order for light and air. Also, just for visual activity that is consistent with a lot of the structures that you seeing nearby which are single family houses.

Mr. Clarkin: And what is the bulk height of the structure?

Mr. Uhl: Can you go to the next slide? Look at the section, it is 39 foot - 6 average grade. If you look at the section here, on both sides, one at the corner of Remsen and one in the townhouse section along Redmond Street. You can see clearly here how the parking is partially concealed underneath the building and then you can also see the profile of the stoop relationship to the sidewalk along Remsen and Redmond.

Mr. Clarkin: All right, what can you tell the Board about the exterior side?

Mr. Uhl: Okay if we can go to the next slide. Overall, the design is proposing a series of gabled structures that define those individual stacked townhouse units with a series of recesses that are aligned with the building entries and the stoops. As you can see here, in order to break down

those volumes to create some visual continuity to adjacent structures. The sort of height and angle of those are meant to be consistent, or at least reminiscent, of some of the buildings nearby. And if you go to the next slide, as we turn the corner along Remsen, that gable kind of stretches out kind of similar to some of the buildings that are in the neighborhood where they present a long side to one street front and a short side to the other street front. So, we used that gable to move along Remsen Street to create a simple flowing design that went around that corner and broke that volume up into pieces that were consistent with the unit sizes themselves. We also have a parking entrance on Remsen and two apartment entrances as well with a kind of linear canopy that goes over the top. So, if you go to the next slide, this is a rendering which is a little easier to talk to about the design and some of the visual cues that we took from the neighborhood. And you can see here how those recesses are vertically oriented with shorter gables allow for those building portions to be broken up and expressed as individual type units. With furthering doing that with color and creating that series of complementary colors and a brick base that creates that sort of durable and, I guess consistent, material treatment at the base with a series of storefronts. Then obviously the stoop and plantings in between those walk areas. Siding is proposed on both levels created by window trim and various other types of trim that are found in obviously adjacent designs as well as awnings over the individual entries to add some articulation, but also some sort of emphasis and privacy to those stoop areas. With railings. Go to the next one.

Mr. Clarkin: These are the building material that going to be utilized?

Mr. Uhl: These are the building materials. Essentially it is our palate, as I was discussing, it will be brick. Pattern brick at the base. This image on the right talks to the way the storefront openings are made with a sort of bronze window surrounds at the base. And then in the upper portions we are looking to use cement board siding and several different colors with traditional trims of windows and then frieze boards, and potentially corner trims and things like that to articulate the individual building volumes.

Mr. Clarkin: We also have the [inaudible] on Remsen?

Mr. Uhl: I'm sorry. I did not hear that one.

Mr. Clarkin: Do we also have a rendering to show the Board how it is going to appear [inaudible]?

Mr. Uhl: Yes, we have another rendering if you go to the next slide. So, here you get a bit of a clearer look as to how that treatment works out on Remsen. And how that longer gabled strip stretches out and continues that strong roofline that creates a kind of cap for the building. It also creates some shadows in those recesses. It works with the overall window placement. We have a sort of mid band that goes around as a sort of head string across the windows on the second floor to break up the siding from the second floor to the third floor. And you can see maybe a little bit, some areas of pattern brick and limestone lentils that are at the windows on the ground floor to further articulate that brick surface. And a complementary bronze detailing with the gutters, freeze board along the entire under side of the roofline, and in matching bronze window surrounds.

Mr. Clarkin: Okay, have you had an opportunity to review the Delaware Raritan Engineering Report dated [inaudible]?

Mr. Uhl: I have.

Mr. Clarkin: All right, I would like you to just concentrate on the part of the potential issues that are noted in the report beginning with item 3.5. It asks what protective measures are being considered [inaudible] what would be on the columns?

Mr. Uhl: Those columns would be required to be designed for potential vehicular impact and potentially out of concrete or protected in some way so that they can't be damaged by a potential impact. So that is our current strategy to meet code for vehicular impact.

Mr. Clarkin: All right. So, moving along to item 4.2, there are letters a, b, c, and d [inaudible]. What was our response?

Mr. Uhl: I take all those very seriously. Although some of these require further conversation with our client, we will be looking at probably some of these measures. Particularly, what I will say, is that the project has been designed to take some of these things into consideration. Any of these external spaces, we have created to try to create recesses that are not concealed and create well-lit areas in and around the buildings. So that there are no sort of dangerous spaces that are created by the stoop or recesses in which one cannot be concealed or conceal themselves or can be seen from the street. We take that kind of streetscape design very seriously. The floor level windows, we believe, could very easily be made of laminated glass, instead of just tempered glass in order to create a sort of more secure window opening at those levels.

Mr. Clarkin: And Item c does not apply because we have no common doors, correct?

Mr. Uhl: That is correct. We have no common doors. Each unit has their own door.

Mr. Clarkin: And finally, item 5.d asks about [inaudible] means of egress involved with.

Mr. Uhl: We have light at every door and we will have light at all the areas in and around the building. Which actually have been submitted per the Engineering Plans.

Mr. Clarkin: With respect to item 4.3, regarding the fire code [inaudible], correct?

Mr. Uhl: Yes, we will comply with the fire code for the means of egress for this building.

Mr. Clarkin: 4.4 indicates how we are going to handle package deliveries and other such services. I will address this one, Mr. Chairman. In certain areas, what we are proposing is [inaudible] I mean we do it on [inaudible] and this is a much [inaudible] street and the drivers [inaudible] if he wants to. But all things considered [inaudible] overall [inaudible]. With regard to 4.5, testimony has already been given [inaudible] that they will be roof mounted [inaudible] from the street. With regard to Item 4.6, the applicant [inaudible]. Item 4.7 [inaudible]. Moving along to [inaudible], that one has roof top solar panels, correct?

Mr. Uhl: Yes, it does which can be seen in this image.

Mr. Clarkin: Does this change the effectiveness of those panels?

Mr. Uhl: I will say that we have not studied this extensively. To my knowledge of the site, we believe that if there is any impact it will be probably in the morning given that it is due east, and during the winter months where the sun angle is low. But other than that, we do not believe that there will be any impact.

Mr. Clarkin: So, the impact would be limited to the solstice?

Mr. Uhl: Possibly. I do not know if it is only that, but I do know that it would be during the low sun, winter months and from the east.

Mr. Clarkin: And in the morning?

Mr. Uhl: In the morning. Meaning that's when the sun is in the east.

Mr. Clarkin: Mr. Chairman that concludes his direct testimony.

Mr. Cox: Any member of the Board have any questions or comments? Hearing none, please proceed with your next witness.

Mr. Clarkin: Mr. Chairman, I would like to call Kiersten Osterkorn, who is our Engineer.

Kiersten Osterkorn, PE (Applicant's Engineer): Can you pull up the exhibits?

Mr. Dominguez: Yes, of course. Is this in the exhibits?

Ms. Osterkorn: It is, that one.

Kiersten Osterkorn, PE is sworn in

Mr. Clarkin: Can you give the Board the benefit of your education and experience?

Ms. Osterkorn: I am being sworn in tonight as an engineer and surveyor, where I actually received my education right here in New Brunswick at Rutgers. I am licensed in the state of New Jersey. My education for my surveying was at NJIT, and I am licensed in New Jersey as well.

Mr. Clarkin: How long have you been sole licensed?

Ms. Osterkorn: For both of them?

Mr. Clarkin: Just the engineering.

Ms. Osterkorn: The engineering, 2011.

Mr. Clarkin: And have you testified before other zoning and planning boards in the state?

Ms. Osterkorn: Yes, I have.

Mr. Clarkin: And have your credentials always been accepted?

Ms. Osterkorn: Yes, they have.

Mr. Clarkin: Most recently, were you accepted in the [inaudible]?

Ms. Osterkorn: Yes, I have.

Mr. Clarkin: Mr. Chairman, I offer Ms. Osterkorn as an expert in the field of engineering.

Mr. Cox: We will accept you as an expert in the field of engineering.

Mr. Clarkin: Ms. Osterkorn, did you prepare the engineering plans that accompany this application?

Ms. Osterkorn: Yes, I did.

Mr. Clarkin: Okay, can you first review the existing conditions?

Ms. Osterkorn: Sure, if you go to page 7 of the plans that were submitted as Exhibit 3 of 7. This is currently Block 140, Lot 4.01 in the city of New Brunswick. The southerly corner of the site is the corner of Remsen and Redmond. Currently, the property is pitching in grading away to the north corner of the site and is a relatively flat soil as existing. There is grass there on the site that has been so since the church had burned down previously [inaudible].

Mr. Clarkin: Please take the Board through the proposed site improvements.

Ms. Osterkorn: On the same page, on the right side of the plan, as claimed we are proposing an eleven unit development in two-three story buildings. We have front yard setbacks on Remsen Avenue of one foot, and on Redmond Street it is five foot. Our rear yard is five feet. We are proposing a building height of 39 feet by 6 inches. We have an impervious coverage of 93%. The proposed eleven unit building has access from Remsen, where the ingress and egress would be strictly from Remsen Avenue. We are proposing eight spaces with a 21.4 foot back up area. 21 spaces are required and we are proposing eight, which will be testified to as to the functionality of this site with regard to how it compares to other sites in the area that are similar. Similarly, with respect to our variance for a 21.4 foot back-up area, for this type of development with parking spaces and the back-up area, it is a residential site where the homeowners, residents, and tenants know where they are going and can pull in and out of this site. 24 feet is required by RSIS, and that is typical to larger development where there is high turnover rate. In this instance with a lower turnover, we believe that the 21.4 foot will definitely provide enough space to support this type of development. We are proposing utilities for the building will be coming off of Remsen Avenue and will be going under the garbage. There is a utility room. It is in the basement near the garbage area. So, if you could turn to the next page. On the right side, we show all of the utilities going into the side of the building in the utility room that would be for all of the units. There was a connection about a separate connection, but there is one connection for water, sewer, and gas. With the increase in coverage, we are proposing a stormwater detention system underneath the parking lot [inaudible]. We are keeping the same drainage pattern, which would fall to the low point in the back reflecting that as a [inaudible]. Converting it into a detention system that would gradually let the water go into its natural pattern in the ground and it will also pull it so that it is collected back into the street. With the variance for the coverage, which will be handled by the next witness, the stormwater that we are providing supports that. It can handle all the increasing coverage so that there will be no detriment to any of the neighbors. There is no drainage impact on the residents on the left or the right, nor any impact to the city and the streets. We are proposing landscaping lighting on the next page, please. Thank you. On the left side is the landscaping, we are proposing foundation plantings along the fronts of both sides at Remsen and Redmond. We have some shrubbery along the right side. I will get into that a little bit later when I address the comment made by the professionals regarding landscaping. On the right side of the page we are proposing lighting on each front door and then there is lighting for the parking area through lights that are mounted to the building on the back. And they will be shielded so that they won't impact the neighbors by the lighting that is required by the town. We have soil erosion and sediment control requirements that are required per the city and county, and I think that is it.

Mr. Clarkin: Okay, just a few follow up questions. We are going to have new sidewalks?

Ms. Osterkorn: We are going to have new sidewalk along both frontages.

Mr. Clarkin: Okay, fencing, are we proposing fencing?

Ms. Osterkorn: We weren't originally, but as part of one of the questions in the planning review letter it was asked if we can have fencing along the east side.

Mr. Clarkin: And we are amenable to doing that?

Ms. Osterkorn: Yes.

Mr. Clarkin: Okay, with respect to the HVAC units, will they be mounted on the roof?

Ms. Osterkorn: Yes.

Mr. Clarkin: And are those the units that were previously testified about?

Ms. Osterkorn: Yes.

Mr. Clarkin: All right, electric vehicle charging stations, we are going to do one, correct?

Ms. Osterkorn: We have one [inaudible] between the handicap [inaudible].

Mr. Clarkin: Okay, bicycle racks?

Ms. Osterkorn: Yes, we have it.

Mr. Clarkin: Okay, and that is both outside and long term storage in the basement?

Ms. Osterkorn: Yes.

Mr. Clarkin: Okay, and we are not proposing a generator, is that correct?

Ms. Osterkorn: We are not.

Mr. Clarkin: Okay, and have you had an opportunity to review Mr. Carly's Delaware Raritan Engineering report dated August 12?

Ms. Osterkorn: Yes.

Mr. Clarkin: Mr. Chairman, between the two of us we will go through this. It's lengthy, but in many instances we can comply. And if I skip through something, Mr. Carly, I would ask that you stop us and we will provide another additional information that you would like. Beginning on paragraph two, the applicant can comply with items 2.1 through 2.5?

Ms. Osterkorn: Yes.

Mr. Clarkin: 2.6 is just informational. 3.1 talks about the parking variance that we are requesting, and it will be addressed by Mr. Patterson. We discussed 3.2, the electric vehicle charging stations and the bike racks. We recognize 3.3, that we require relief because we don't have a dedicated loading area. With regard to 3.4, are you satisfied that the interior traffic circulation will be sufficient?

Ms. Osterkorn: Yes, I am.

Mr. Clarkin: And would you agree that if our plan is approved, that we would revise our plans to provide circulation plans?

Ms. Osterkorn: Yes.

Mr. Clarkin: All right, 3.5 was dealt with by the architect. Item 4.1 is informational. 4.2 has been handled by the architect. As was 4.3 to 4.7. Moving to 5.1, we will provide, we actually have already provided the lighting plan in addition the lighting detail, if there is something to show more detail that Charlie would like, I am sure that he will tell us. With regard to buffering and landscaping, that is going to be in Mr. Patel's report. As to the question of signage, we are not proposing any freestanding or façade signs. Simply signs to indicate the address for each of the particular units. Moving on to the next page, which is stormwater management, the applicant will comply with items 8.1 through 8.5, so that is all that is on this?

Ms. Osterkorn: Yes.

Mr. Clarkin: With regard to sanitary waste disposal, the applicant will agree to comply with items 5.1 to 5.4?

Ms. Osterkorn: Yes.

Mr. Clarkin: And can you please address 9.5?

Ms. Osterkorn: Yes. We are showing one connection for all the utilities from Remsen Avenue into, it's an area where there is basement area, but it is shown next to the garbage. All of the units even though they were two buildings, will be serviced from the one building, so we weren't anticipating providing two connections. We only show utility lines, we are not going to be using two different connections.

Mr. Clarkin: Moving on to the potable water supply connection, will the applicant comply with 10.1 through 10.7?

Ms. Osterkorn: Yes. I think we did provide testimony to address that.

Mr. Clarkin: Which we already did, as we previously indicated. With respect to solid waste management, the applicant will comply?

Ms. Osterkorn: Yes. I believe as part of this application I did include in the submission showing waste management. But it is going to be private. And I reviewed the section of the town's ordinance that it had about public being twice a week and between certain hours. However, it will be private as it is determined that they need service more often.

Mr. Clarkin: Items 12.1 and 12.2 are informational. With regard to 12.3, we indicated that there is no generator proposed. 12.4 is not applicable, we will not have a pad and transformer. With regard to the general items, the applicant will comply with 14.1. There are no covenants or easements being proposed, that is 13.2. Applicant will comply with 13.3 through 13.9 and 13.10 which is other governmental approvals. Did you have an opportunity to review the Bignell Planning Report dated today?

Ms. Osterkorn: Yes.

Mr. Clarkin: Mr. Chairman, as we customarily do, we move to the planning review comments which starts with item 9 on page 4. And between the two of us, we will go through these.

Mr. Clarkin: 9A the applicant will of course, as always, obtain all necessary governmental approvals. With regard to item B, Mr. Patterson will provide testimony to support the variances. As well as in Item C, testimony to support the parking variance. Item D, once again the meters will be in the basement, correct?

Ms. Osterkorn: Yes.

Mr. Clarkin: Item E, there are no utility transformers. Item F, we discussed both the electric vehicle and the bicycle parking requirements. Item G, we will provide four street trees, correct?

Ms. Osterkorn: Yes. So, these are [inaudible].

Mr. Clarkin: Okay. Item H, I recognize that if we are successful, that I will request City Council for permission to install planter beds within the city's right of way. With regard to item I, we are going to landscape that area, correct?

Ms. Osterkorn: Yes.

Mr. Clarkin: And we worked with the staff, Mr. Chairman, as to how we would do that.

Mr. Cox: Thank you.

Mr. Clarkin: Item J, the screening wall that we are proposing is 6 feet high, which is the fence. Item K, is now not applicable from our perspective as it is addressed by just the fence. The planning comment, L, is planning in nature and will be handled by Mr. Patterson. That is her direct testimony and she is available for questions.

Mr. Cox: Any member of the Board or professional staff have any questions or comments at this time? Hearing none, please proceed with your next witness.

Mr. Clarkin: I now call Mr. Glenn Patterson.

Glenn Patterson, AICP, PP is sworn in

Mr. Clarkin: Mr. Patterson, although your name is well known to the Board members and professionals, can you just very briefly review your credentials?

Glenn Patterson, AICP, PP (Applicant's Planner): Well, I have a Master's in City and Regional Planning from the Bloustein School at Rutgers University. I have been a licensed professional planner in the state of New Jersey since 1990. I am also a member of the American Institute of Certified Planners.

Mr. Clarkin: And did you hold a position with the city of New Brunswick?

Mr. Patterson: Yes, I was the Director of Planning and Development for the city for 20 years.

Mr. Clarkin: Mr. Chairman, I will request that you accept him as an expert in the field of planning.

Mr. Cox: We will accept him as an expert in the field of planning.

Mr. Clarkin: Thank you so much. I know that was a difficult decision to make. Mr. Patterson, since the project has been gone through twice, do you understand the nature of the project?

Mr. Patterson: Yes, this is an affordable housing project that plans to built eleven units in two townhouse buildings on the site of the former Pentecostal Church of God in Christ at the corner of Remsen and Redmond. The project addresses the needs in the city of New Brunswick by providing much needed affordable housing as is described in the Master Plan and the Master Plan Re-Examination, and the city's Consolidated Plan, which is the plan that is annually updated by the city and the Department of Housing and Community Development regarding affordable housing units in the city. And the applicant is seeking a "d(1)" use variance, "d" variances for floor area ratio, height, and multiple "c" variances are also requested for items such as parking.

Mr. Clarkin: Briefly, what is the character of this neighborhood?

Mr. Patterson: The ordinance describes it in detail, but this is an area that is in the R-5A Single- and Two-Family Zone. But it is sandwiched between two other zones, the R-6 zone towards George Street starting over on Welton Street, which is a multi-family zone, and C-1 Neighborhood Commercial Zone which starts just to the south on Remsen Ave which allows both mixed residential and commercial uses. The site in question is a vacant lot, as we just talked about, it was fire demolished from the previous church there. The block front that it is on between Welton and Redmond has nine existing buildings there, where seven of those are already multi-family buildings. These are some older buildings that are there and of which many of them are three to three and a half stories tall. And the buildings that do comply are on lots that are of substantial lot size. So, it is not an area where there is a lot of conformity with the R-5A Standards. There are two nearby affordable housing projects. There is Hope Manor, just a block up the street off of Remsen and George, and Promise House on 191 Redmond Street which is on the same block towards Lee Ave which is a ten unit building about two-thirds of the way up the block. This site is a block from the Lord Stirling Elementary School. It is on Remsen Avenue where it is near commercial that is on Remsen, which is mostly convenience type commercial bodegas, hair salons, nail salons, things like that. As well as the more prominent retail that is on George Street including the Bravo Supermarket that is three blocks away. The site is served directly by the 811 bus line. There is transit on George Street where there are several other bus lines including the 815 and the Rutgers buses. The area is a very walkable location. There is a criterion called walk score that rates how walkable a neighborhood is by how easy it is to most of your trips by walking, and not using a car. This location got a 90, which is one of the highest scores.

Mr. Clarkin: How does this project relate to the city's Master Plan and Zoning Ordinance?

Mr. Patterson: The previous use that was here, the church building, this use is also non-conforming, but it is more conforming, as it is residential rather than non-residential. The Master Plan's planning goals chapter calls for the provision of unique high-quality residential areas to serve existing and attract new residents with a wide range of housing and lifestyle choices. This is primarily through infill and a variation of new high-density residential neighborhoods in close proximity to the downtown. This project does exactly that. It is a multi-family project in a walkable neighborhood with a wide range of housing. In the 2012 Master Plan Re-Examination Report, it says that the city shall review its land use strategies and regulations to create sustainable mixed use neighborhoods with a variety of housing choices that provide for the housing needs. Neighborhood accessibility to convenience retail to the Central Business District and employment district, transportation hubs, should be addressed with access to them. As I just described the neighborhood, this project meets all those points as it is near the downtown, near schools, near shopping and transit. Regarding the zoning ordinance, as I described previously, this is located between the R-6 Multi-Family Zone and the C-1 Commercial Zone. On Remsen, there are few

conforming properties, especially on that particular block front. The Re-Examination Report calls for the city to review its land use strategies for areas like this, meaning that this is not an area that the Master Plan focused on with respect to zoning here. This conforms with much of what is already there, even though it doesn't really conform with what the master plan calls for.

Mr. Clarkin: As a planner, can you justify the granting of the use variance?

Mr. Patterson: Yes, I can do that. These variances must satisfy both the negative and positive criteria. This is an inherently beneficial use. The land use boards in the state of New Jersey have designated affordable housing as an inherently beneficial use. Uses that are inherently beneficial do not need to provide additional evidence to prove that they meet the positive criteria. So, just by this being an affordable housing project with all the units in this project, it meets the positive criteria. Focusing on the negative criteria, because it is an inherently beneficial use, the negative criteria gets relaxed slightly through a course of directive, as there is a relaxed standard since the use is inherently beneficial. I will now go through the several reasons for why this meets the negative criteria. First, housing is structured in New Brunswick as not keeping pace with population. In a memo that was provided with the submission, there is a chart that shows how population has grown substantially, unlike number of housing units in the city for the last thirty years or so. This has caused the size of households in the city to grow substantially. At the same time, household size nationally has dropped. If you go back to 1960, the city and the nation had about the same average household size, whereas now it is about 50% higher for the city, which leads to severe overcrowding and housing situations that are not optimal. The city's consolidated plan cites that 68% of households in the city are renters that pay more than 30% of their income towards their housing costs.

Mr. Clarkin: Of their income?

Mr. Patterson: Of their income towards housing costs. This project addresses both the lack of affordable housing and overcrowding by bringing more units in the city to help solve overcrowding issues by providing those units at affordable rates. So, people can afford them, without having to bring in roommates or extended families to be able to afford these. The project is consistent with the master plan and the master plan re-examination goals for mixed use, multi-family development near the central business district. However, with respect to the underlying zoning of the R-5A Zoning District that calls for Single- and Two-Family homes, this isn't consistent with the area, as this is a multi-family area.

Mr. Clarkin: Now you are addressing the negative criteria, correct?

Mr. Patterson: Yes.

Mr. Clarkin: All right, go ahead.

Mr. Patterson: The Master Plan Re-Examination Report recommends that the city review its land use strategies for residential mixed use neighborhoods with attractive housing at a variety of prices which is exactly what this project does. This has provided support for this project, as it was updating its consolidated plan to include this project to try to be funded by HOME dollars, which is block grant that the city gets from the Department of Housing and Urban Development. The project will not have a detrimental impact on the zone plan or the zoning ordinance, as it follows a consistency with the recommendations in the Master Plan Re-Examination. It will benefit the public good as it is an inherently beneficial use that is consistent with recommendations of the Re-Examination Report.

Mr. Clarkin: When looking at the negative criteria, the fact that this is an inherently beneficial use, does that under the case law relax how the board, like this board, is supposed to review.

Mr. Patterson: Yes. The boards decided that because it is inherently beneficial, there is a relaxed standard.

Mr. Clarkin: The fact that this application, in your opinion, is consistent with the Re-Examination Report for Remsen Ave Revitalization Plan, does that provide an enhanced standard of proof to meet these requirements?

Mr. Patterson: Yes.

Mr. Clarkin: Okay. Do you want to move on to the “d(4)” FAR variance?

Mr. Patterson: Sure.

Mr. Clarkin: Can that be justified?

Mr. Patterson: Yes, it can.

Mr. Clarkin: Please tell the board why.

Mr. Patterson: The standards for granting a variance when it is in conjunction with an inherently beneficial use is the analysis as to whether the site can handle the proposed project. And as the board has already heard from the architect and engineer, the project meets all the requirements for trash, recycling, stormwater, landscaping, and so forth. To me, all those things, the site can handle that. There will be a minimal number of new trips carried from this project as it is only eleven units. Which, I believe that the parking on site will address the parking needs through sense. The project is also consistent with many of the buildings around the neighborhood, which I testified to that they are all three to three and a half stories tall. It is probably [inaudible] the Pentecostal Church of God appeared to be about 40 feet from the structure with another steeple on top of that to be about 15 feet. So, this will decrease the building volume on the site.

Mr. Clarkin: And with respect to the “d(6)” height variance, is there anything that you would like to add?

Mr. Patterson: Just that this fits in here with what the criteria are as it is consistent with what the neighborhood has. It meets the negative criteria for a variance also. The visual environment will be improved by developing this vacant lot, which just has grass and some weeds growing on it. The height is typical for the neighborhood. The site can accommodate the proposed building volume. It meets all the technical standards of the project. And there will be no substantial detriment to the public good or the zone plan.

Mr. Clarkin: Can you please go through the legal proofs to justify the “c” variances, including parking?

Mr. Patterson: As stated previously by the engineer, the project is required to follow the standards for RSIS, Residential Site Improvement Standards, for parking, which would call for 21 spaces. But that is a statewide standard that is primarily oriented towards suburban housing developments. RSIS also provides that a board such as this can look at different standards where it is appropriate for the type of neighborhood that it is. And as has been said here, multiple times already, this is an urban area which is very walkable, it’s transit oriented, as there is a transit bus line that goes directly in front of the site and there are other lines that go within two blocks of the site. It has a

walk score of 90, it is near schools and shopping, so it is a kind of area where you don't need a car to make most of your trips. So, the project is proposing eight spaces for the eleven units that are proposed here on the site. As I have said here previously, the site within a twenty-minute walking from all the major employment centers in town, Robert Wood Johnson, Rutgers, the downtown area. The site does have secure bike parking, which is an alternative to having a car. Residents that will be living here are income-restricted residents that are less likely to have multiple cars for families. The Board can also look at some of the other affordable housing projects that are nearby on their site to see how they handle their parking needs with affordable housing. Both of those projects are for housing assistance. The Hope Manor Project has 61 units that is two blocks away. They have 82 parking spaces for 61 units, plus 9 retail stores. And in 2018, they told the city that they were only using 28 parking spaces for the residents that lived there. Which is only about one third of the parking that is on site. The city confirmed that, yes, only about one third of the parking spaces on site were being used on a regular basis. To update this, I went back out to the site a few weeks ago during the day, afternoon, about 5 o'clock and counted that there were 38 cars using the spaces. So, it would be just a little more than half of all the parking spaces that were being used on a regular basis that they had on site. Promise House, which is the affordable housing project is on the same block about two thirds of the way up from this site. That is a ten unit project that has no off-street parking. With zero off-street parking spaces, I did not notice any parking problems at that site. Last time I talked to management there, I think that about two of the residents there had cars parking on the street there. So, the parking that is provided here is sufficient. The eight spaces for the eleven units for low-moderate income housing is similar to these two other projects. Therefore, I think that it would be sufficient to meet the parking needs for the residents of this project. Should I move on to the others?

Mr. Clarkin: Please move on to the other "c" variances that are a part of this project.

Mr. Patterson: There are a number of bulk variances for this project [inaudible]. There is lot dimension, each of the setbacks, and the coverages. This is primarily because there are subsumed in the "d" variance with the use. The standards that are set up here are for R-5A Single Family detached housing standards, and that is not what this is. So, it creates all these variances. And by going through the analysis and showing that the project can handle the use here in the granting of the "d" variance, these variances for the bulk get subsumed into that and can be justified on that basis. But the variances can also be justified on a "c(2)" flexible basis. For the positive criteria, the same basis that applies to the "d" variance apply to the "c" variances. As this is a project that's near the CBD, near schools, near shopping, and surrounded by other multi-family housing projects. This is an inherently beneficial use that is being developed for affordable housing as listed in the city's consolidated plan, master plan, and the re-examination report as called for by the city. The project also promotes four different purposes of zoning as set forth in the municipal land use law. Particularly purpose "e" which provides an appropriate population density and preserving the environment by building on a walkable area. Purpose "g" as it provides sufficient space for a variety of purposes including housing to meet the needs of New Jersey residents by building close to the downtown in a transforming area. Purpose "h" encourages location [inaudible] transportation [inaudible] and promotes the free flow of traffic by developing in a walkable, transit village neighborhood. Purpose "i" it promotes an attractive visual environment by [inaudible] by building on a vacant lot [inaudible]. Regarding the negative criteria for the bulk variances, testimony analysis shows that this facility can adequately handle all the parking, trash, recycling and stormwater management. The bulk variances can be justified on flexible "c(2)" analysis, where positive attributes of the project development is for an attractive inherently beneficial use that can substantially outweigh the detriments. There are no substantial impairments to the public good, zone plan, or the zoning ordinance for all of those variances.

Mr. Clarkin: Do you have a closing statement you would like to make?

Mr. Patterson: Yes, I would just like to say that New Brunswick needs more housing and it needs more affordable housing. The project proposes eleven units of affordable housing in a highly walkable area that is close to jobs, stores, and schools. The applicant has designed an inherently beneficial use in accordance with the design standards. The project will have a positive impact on the city.

Mr. Clarkin: That concludes his direct testimony and he is available for any questions.

Mr. Cox: Any member of the Board or professional staff have any questions or comments at this time? Hearing none.

Mr. Clarkin: Mr. Chairman, that concludes our direct case. I would like to request to make a summation from any questions from the board members or the public.

Mr. Cox: At this time, we would like to open it up to the public.

Nancy Coppola (Vice Chairperson): John, I do have a question. And I might have missed it because everything wasn't too clear, but is there going to be someone on site that does the garbage, recycling, and all that stuff for that property?

Mr. Clarkin: The answer is that we will have a building manager that will address those tasks.

Mr. Cox: Will they be living on site?

Mr. Clarkin: He will not be living on site.

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, B or C please spell your last name and home address.

Mr. Dominguez reads through the alphabet once. Elizabeth Ciccone, Michael Ciccone, Anderson Garcia, Charlie Kratovil, and Dani Portillo are placed on the initial list of speakers.

Elizabeth Ciccone is sworn in

Elizabeth Ciccone (52 Welton Street, New Brunswick, New Jersey): I live at 52 Welton Street, it is the William H. Johnson House, I serve on the Historical Association Board for the city of New Brunswick where I'm a mayoral appointee who the board has appointed to speak on cultural and

historical issues in the city. I also serve on the board of the New Brunswick Historical Society, which is an historical club for the city of New Brunswick. I'd like to talk about the funding of this project. This is being funded by Federal Block Grant money, is that correct?

Mr. Clarkin: In part, yes.

Ms. Ciccone: You're required to have a Section 106 review under the National Historic Preservation Act with regard to impact on cultural and historic resources. If you look at your file titled "research," page 4, what is the blue dot...triangle? Where is the key to that map? Where did that map come from?

Mr. Clarkin: That is something that needs to be addressed by Mr. Carly.

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?

Charles Carly (Board Engineer): We sent out a memo on July 20, which is part of our research. You're referring to...the NJDEP...that represents the property is listed on NJDEP's environmental system database, there are underground storage tanks that have since been abandoned, the masonic temple and subsequently the church may have had underground storage tanks...

Ms. Ciccone: That's completely false, sir.

Mr. Carly: That information is available, if you go on to, there's a great invention called the Internet...NJDEP has something called Geoweb, and that map is pulled from Geoweb, it's publicly available...you can get information on any property in the great state of New Jersey as it relates environmentally.

Ms. Ciccone: Well, one of the environmental issues that you haven't discussed is the impact on the National Register building located at the blue triangle at 52 Welton Street. Because you haven't addressed that, because you have encroachment issues with your project, you're required to have a Section 106 review...

Mr. Clarkin: It's not necessary, ma'am. I object to this line of questioning; this is not within the purview of the Zoning Board. The Section 106 hearing will take place, but it is not a matter before this Board.

Ms. Ciccone: I'm a member of the public and I'm allowed to talk about the impact on the neighborhood.

Mr. Aithal: If I may. There was an objection, the basis was on relevance. This is not, in fact, relevant to the current application. This Board cannot opine...

Ms. Ciccone: I do believe that the Section 106 review is pertinent because every single one of the variances being requested has the potential to constitute and encroachment on the historic property.

Mr. Cox: There is an objection on the record. Please listen, the applicant's attorney has objected to your conversation.

Mr. Clarkin: I renew the objection. The discussion that she is continuing is the same discussion as what the Board Attorney has already advised is not relevant. I ask that it be stricken from the record.

Ms. Ciccone: Then I'd like to discuss the specifics of the variances since you refuse to let me speak about what is important. With regard to the document "Technical Review," given your own review has stated that your master plan does not agree with this project at this location, for one thing the use. When it was a church it had minimal use, perhaps only Sundays and special events they would celebrate. But now having 11 homes there will impact in a large way the quality of life in the neighborhood. This is too big for the site and needs to be scaled back considerably. There's not quite enough room for eight parking spaces. For impervious coverage, considering the storm sewers in this neighborhood do flood already, this will impact flooding in the neighborhood, including flooding our historic property. The problem will be exacerbated by having more general activity in the neighborhood. When it was a church, there was a lot more landscaping and trees, which would have helped with the stormwater absorption. Violation of parking spaces, again, points at overcrowding. Aisles, it's not only overcrowded, it's dangerous because it's smaller than it's supposed to be...

Mr. Dominguez: Ms. Ciccone, your time has expired, if you could please wrap up.

Ms. Ciccone: The majority of these things constitute encroachments, the main thing that would diminish the encroachment is the buffers and screening, but you've removed all of them because of the buildings are too big for the site. There's encroachment on our historic home and other buildings in the area, the Emily Smith House, the Farrington House, the Sandford Bates House, and the building at 47 Welton Street which is known as J.M. Barclay Factory Building. You keep referring to storefronts, Uhl, the first who spoke kept talking about store frontage, this was supposed to be residential, how come he keeps talking about storefronts? That's all I'd like to say at this time.

Mr. Dominguez: Our next speaker is Mr. Michael Ciccone.

Michael Ciccone is sworn in

Mr. Michael Ciccone (52 Welton Street, New Brunswick, New Jersey): I think the intent of the project at 45 Remsen would be beneficial to the neighborhood and the commitment of the Community Asset Preservation Corporation is respectable. The concerns I have a share with many of my neighbors are some of the details of the project and the extent of the variance requests. The proposed project is too large. The buildings are much larger than the surrounding buildings, the size of the project could put potential stress on the infrastructure and exacerbate current parking shortages. My understanding of zoning ordinances is to preserve the architectural integrity of the area and the use of the area, this project asks for variances that go beyond what's in the area. There are mostly two- and three-story buildings that are only one- and two-family units, and the extent of the variances that go beyond the general standards that the community is already following. The previous building on the site was only used on Sundays and that has no stress on infrastructure. I know the applicant had an expert on speaking about how eight spaces was enough, but after living in this neighborhood for almost 20 years, I can confirm that Welton Street, Redmond Street, Townsend Street, up and down, are regularly full of cars. I will reference the Bignell Planning Consultant's report of the applicant's plan, the consultants agree that additional parking should be provided or the number of units should be reduced. It's understandable to take advantage of a vacant lot, to make more affordable housing available, the demands of this community is that we do it responsibly. Design a plan that fits into it. The current proposal exceeds the current zoning ordinances and I believe would aggravate some of the neighborhood's issues. So I ask the Board to decline to approve these requests and ask the Community Asset Preservation Corporate to redesign the project to fit into the current zoning requirements.

Mr. Dominguez: Our next speaker is Mr. Anderson Garcia.

Anderson Garcia is sworn in

Mr. Anderson Garcia: I'm a lifelong resident of New Brunswick. I'm vested in the community. I support development in New Brunswick. I'm happy to see my community change and grow and become what it is now. My concern is pretty much what you've heard already tonight. Parking is an issue. I think the parking analysis is flawed. I don't think the data considers all these additional elements that are around, like the Roosevelt Elementary school and the teachers that have to park, they can't park in the back anymore. The Bloustein School of Planning, many students choose not to park on Livingston or New, they park in this area. This area does not have residential parking. Construction workers park here as well. My pregnant wife comes home late at night and she can't park on our street, she has to park multiple blocks over. This doesn't sound feasible, realistic for the amount of parking. To sum up, I support the development but I do not think there is enough parking.

Mr. Dominguez: Next up is Mr. Charlie Kratovil.

Charlie Kratovil is sworn in

Mr. Charlie Kratovil: Can I please ask Mr. Patterson, who is his employer now, or is he a freelancer?

Mr. Patterson: A planning consultant.

Mr. Kratovil: So, does he work for a firm or freelance?

Mr. Patterson: I do it on my own.

Mr. Kratovil: It's good to hear your voice and see your presentation. I was impressed, I think this site could be of more use to the neighborhood, I was there that night watching the church sadly burn down in 2012 and I have since moved to this side of town and live a couple blocks away. I agree that affordable housing is needed here and I think this project is getting very close to what we need here. My main concern is the testimony that it would block solar panels on a neighboring home. If that could be addressed, or by putting solar panels on this project, that would go a long way in assuaging my concerns. I do also share the concern about parking, it is true that it is, like much of New Brunswick, difficult to find parking, and I feel that in the grand scheme of things 11 units is not a huge building, I think if it were eight or nine it would be a better fit, and could address the blocking the solar panels. The process that the city uses for these applications can be so much better. We were having conversations about this last summer, that I thought would lead to a better process with TAC, which no longer allows the public to attend the meeting and they don't have a member of the Historical Association. I think for all involved, it would have been wiser to have her involved sooner, to have a member of that association be regular member of the TAC. I would also like to be there, but your attorney but the kibosh on. If you won't let me in, at least let in a member of the mayor's own historical association be a part of this discussion and the environmental commission as well. I guess that's a decision that could be made by members of this board, Mr. Dominguez, Mr. Aithal in concert and you should start right away. I wish the applicants well. If you get the approval when might construction start and finish?

Mr. Clarkin: We have to go through financing. I think the construction will probably be 12 months. So, you're looking at 15 months before it's finished.

Mr. Dominguez: Finally, we have Mr. Portillo. Mr. Portillo submitted a couple of items regarding said solar panels.

Dani Portillo is sworn in

Mr. Dominguez: Mr. Portillo, can you see my screen? Is this where you want to start or one of the other ones?

Mr. Portillo: One of the other ones...the one with the map on it...

Mr. Aithal: Mr. Portillo, if I could interrupt, Mr. Dominguez, I'm sorry if I missed this, but was Mr. Portillo sworn in?

Mr. Dominguez: I did swear him in.

Mr. Aithal: There is an exhibit that has been submitted to the Board. We may want to ask the attorney if he has any objection to its introduction.

Mr. Clarkin: I haven't made a determination yet. I don't know what it's supposed to be showing and what its source is.

Mr. Aithal: Since this is the first time the public has had an opportunity to view this, can you tell us where this comes from and what it depicts?

Mr. Portillo: This is a rudimentary search for some kind of web-based tool to provide information about shading and solar position for a specific geographic location. There can be impact from shading on the building based on this map from SunCalc.org.

Mr. Clarkin: Do we know who prepared this?

Mr. Portillo: I did.

Mr. Clarkin: And the data, the source, do you know who did it?

Mr. Portillo: The data and the source used pictures of the site and satellite dates to determine the shadows, to calibrate this online tool, to show the approximate location of the building and where the sun would be. I had made this available to Mr. Dominguez and hope to make them available to the public.

Mr. Clarkin: Mr. Portillo, are you an engineer, sir?

Mr. Portillo: I am an engineer of sorts; I am very practical with computers.

Mr. Clarkin: I'm going to object to the introduction of this exhibit on two grounds. The witness is not a professional engineer and his source and the data used to create the exhibit is not known and we don't know about its reliability.

Mr. Aithal: Based on the objections of counsel, it would appear that this broadly falls under the category of hearsay, there's no opportunity to be cross examined about the actual methodology for determining the conclusion, the area of shading that would occur.

Mr. Portillo: There's actually a thin black line where that indicates the shading.

Mr. Aithal: Without getting into the specifics, are you saying this is proffered to show where there would be a shadow cast?

Mr. Portillo: This is to show that there is a tool that exists that can be manipulated at anybody's leisure to make their own determination on where shading would occur.

Mr. Aithal: Unless there was some authentication of the methodology, Mr. Chairman, I think the applicant's attorney is correct, this would be objectionable.

Mr. Cox: Thank you. Mr. Portillo, do you have anything else you would like to speak on?

Mr. Portillo: I would like to strike this from the record then. The engineer's testimony wasn't very satisfactory, the architect's testimony, for the solar shading, so I would like to see a solar expert. As you can see, I am not one... Another comment was these plans were made during a pre-COVID era. Best practices for living spaces in the post-COVID era have yet to be determined. The abundance of variances... Page 5 of the planning memo deprives the Board of context as to cities of similar size, it's just a chart of New Brunswick and the greater United States. I'd like to address some overlooked negative impacts. I echo the concern relating to parking issues. Also, the planning memo uses data from the 2010 Census, we are less than year from the 2020 Census data, so I'd like that to be considered. I think the site would benefit from redevelopment. Given where we are in the pandemic and the uncertainty of the future, the potential for changes in codes and HVAC systems.

Mr. Domínguez: Are there any other members of the public that did not get a chance to speak that have something to say now? Anyone?

Mr. Kratovil: Are they going to speak about the solar issue?

Mr. Clarkin: I'm going to address the solar issue in my summation. I'd like to recall Mr. Patterson to deal with Mr. Portillo's comments.

Mr. Patterson: I'm not an epidemiologist, but there have been a couple of studies about density and overcrowding and impacts on the pandemic. Everyone is still learning about how this virus affects people and those most in danger, but there have been several studies, one by Johns Hopkins and the other by NYU, and it looked at density and overcrowding, how the pandemic affected those areas, in New York back in April, May, June timeframe, what they seemed to indicate is that areas with highest density of housing, Manhattan, west part of Brooklyn, had lower instances of the virus, where areas with more overcrowding, places like Corona and Elmhurst, with larger household sizes found a lot more spread. It seems to indicate it's the larger households that allow the virus to spread. We are proposing smaller units, you don't have those larger household sizes where you have seven, eight people. There's probably a lot of households like that in New Brunswick because people are forced to live like that, rents are high. This project is going to provide affordable housing so people don't have to have those large households. This can provide better and safer housing.

Mr. Aithal: I understand Mr. Patterson was responding to a comment made by Mr. Portillo. Are there any comments from the public about the COVID comment?

Mr. Portillo: I don't see the proposed building as it is as something that is going to worsen the COVID-19 pandemic, I see it as how this plays out, what impact it will have on housing.

Mr. Clarkin: I'd like to respond to some of the comments of the first objector. Ms. Ciccone disagrees with granting variances. I respect all the comments we get from the public, but not everybody is an expert. When you have a situation where someone simply doesn't like variances, and that person is a layperson without any planning background, we request that you rely on the

expert testimony or our planning witness, which was not refused. Ms. Ciccone also indicated that we're going to have stormwater problems. Pure conjecture. To my knowledge, she is not an engineer. Mr. Garcia's concern was about parking and the lack of parking. There may be a shortage of on-street parking, but the way we approached our analysis is that we're not going to be adding cars to the street. We used our knowledge of prior approvals with similar parking variances and multifamily residential projects where data indicates that the parking is far less than the RSIS standards. We have testimony from Mr. Patterson that there are not going to be a lot of people with motor vehicles. With regard to the solar panel objection, you have testimony from our engineer that the impact will be minimal. We were honest that there would be an impact. We found that it's only going to be for a few months of the year, for a few hours a day. I would ask you to remember this in an inherently beneficial use. You are supposed to look at the project as a whole and I ask you to do that today. Take the benefit of affordable housing and compare that to the minimal impact there would be on just one property. Every time you grant the variance, there is going to be some detriment to the public good, so long as the detriment is not substantial you can approval the variance, that is what the Municipal Land Use Law tells us.

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

Mr. Clarkin: And preliminary and final site plan. And the other question is the electricity comes from a pole, so it can't be underground.

Ms. Thielman-Puniello: That's a typical requirement, but I'll defer to Dan or the Board on that one.

Mr. Dominguez: It's pretty standard for electrical under these circumstances.

Mr. Clarkin: Okay, were fine.

Mr. Aithal: I wanted to confirm that you included all outside agency approvals.

Ms. Thielman-Puniello: Yes, I did say that.

Motion to Approve

I. Chris Sumano

II. John Cox

| | 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) | ✓ | |
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VII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Cox: 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 comment with the last name starting with A, please spell your full name and home address.

Mr. Dominguez reads through the alphabet once. Elizabeth Ciccone and Charlie Kratovil are placed on the initial list of speakers.

Ms. Ciccone: I just want to point out that I'm not a layperson, I'm a mayoral appointee to a city board just like you all are, the fact that you would ignore the advice of another city board member is disturbing. Every single one of these variances will require a review under Section 106 of the National Historic Preservation Act, every variance can be overthrown due to an encroachment on my historic building. Every single one. So now you've created an episode that will waste a lot of people's time. This is the same thing that happened when the Mine Street construction was under review, that the project was too big for the site and the state historic preservation office forced the project to be scaled back. We're about to have the same issue here and we could have stopped that by simply asking for a proper review before granting variances. It's extremely disturbing that you wouldn't pause for just long enough to get a review from the state of New Jersey that is required by law.

Mr. Dominguez: Mr. Kratovil, you're up.

Mr. Kratovil: I understand that one of the projects that this Board has approved is in line to get a tax exemption, the 90 Bayard Street project [inaudible] that Wick wants to build and another Wick project also in line to get a long term tax exemption, a 30 year tax break for 750 Jersey Avenue. What is happening at 750 Jersey Avenue?

Mr. Dominguez: So, Mr. Kratovil, I believe this project was approved by the Planning Board in January of 2019, the old Delco site, so there was significant remediation and Wick was approved to build a warehouse at the site.

Mr. Kratovil: So, they haven't started construction yet?

Mr. Dominguez: I have your email, I intend to give you copies of the application by Wednesday, they do not feel they would be able to proceed with construction without said tax exemption.

Mr. Kratovil: I had also asked for the financial agreements. Will you be able to provide those as well?

Mr. Dominguez: I believe for the financial agreements you would have to get in touch with the city attorney's office, but I would have to provide you with at least the applications.

Mr. Kratovil: I can try and persuade Mr. Shamy to see things my way. For the record, it's hard to evaluate the implications without the agreement. In the past, Mr. Patterson, God bless him, I would be able to get the agreements before the vote. I would encourage you to follow that example. I encourage everyone to pay attention to these two ordinances to give a huge tax exemption to this company, they are on the City Council agenda for September 2 at 5:30 pm.

VIII. DISCUSSION ITEMS

None

IX. ADJOURNMENT

Motion of Adjourn: Nancy Coppola

Second: John Zimmerman