



CITY OF NEW BRUNSWICK  
 PLANNING BOARD  
 JANUARY 13, 2020  
 MINUTES

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

I. ROLL CALL

✓	Jeff Crum (Chairperson)
✓	Manuel Castaneda (Vice Chairperson)
✓	George Chedid
	John Petrolino
✓	Robert Cartica
✓	Ryan Berger (Class I)
✓	Chris Stelatella (Class II)
✓	Suzanne Sicora-Ludwig (Class III)
	Dale Vickers (Alternate #1)
✓	Yelitssa Checo (Alternate #2)

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. REORGANIZATION OF THE BOARD

- Nomination of Chairperson: Jeff Crum
- Motion to Approve: Suzanne Sicora-Ludwig
- Second: Ryan Berger

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	

Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- Nomination of Vice-Chairperson: Manuel Castaneda  
Motion to Approve: Suzanne Sicora-Ludwig  
Second: Yelitssa Checo

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- Nomination of Secretary: Dan Dominguez  
Motion to Approve: Suzanne Sicora-Ludwig  
Second: George Chedid

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	

Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- Nomination of Board Attorney: Aravind Aithal  
Motion to Approve: Suzanne Sicora-Ludwig  
Second: Chris Stellatella

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stellatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- Appointment of Conflict Board Attorney  
**Dan Dominguez (Acting Director, Department of Planning, Community and Economic Development):** This year we went out for an RFP for the conflict board attorney position and we had one sole respondent, which was Karl Kemm, from McManimon Scotland, he was our conflict attorney last year. We did not need him, rather he was not available the one time that we did need him, but that is neither here nor there He's the sole applicant. If anyone wants to move to continue using McManimon Scotland, we can continue with their use as conflict attorney in 2020.

Motion for McManimon Scotland: Suzanne Sicora-Ludwig  
Second: Chris Stellatella

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	

Ryan Berger (Class I)	✓	
Chris Stellatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

– Appointment of Board Planner

**Mr. Dominguez:** For Board Planner, we received three proposals for our RFP. We received a proposal from Bignell Planning, who has been our Board Planner for a very long time.

*Jeff Crum is written into the record as being present.*

**Mr. Dominguez:** We received three responses for our RFP this year. Bignell Planning, Typology and one bid from CME. The city recommends the approval and continuation with Bignell Planning, they also came in with the lowest hourly rate, which, while not the entire factor, it is a factor in charging against the escrows of the applicants who come before us to ensure that they are being billed at a reasonable rate. So that is our position. The Board has an opportunity here to vote as they please.

Motion for Bignell: Suzanne Sicora-Ludwig

Second: Chris Stellatella

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stellatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

– Appointment of Board Engineer

**Mr. Dominguez:** For engineer, we also received three applications. We received a proposal from Delaware-Raritan Engineering, who has been our Board Engineer or Conflict Engineer for several years. We received also from CME Associates and Mott

McDonald. The city recommends continuing with Delaware-Raritan, with the city's in-house engineering staff acting as conflict engineer, as the Board has done for the last two years. Starting in 2018 that became the norm.

Motion for D & R: Chris Stelatella  
 Second: Suzanne Sicora-Ludwig

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- Appointment for Hydraulic Modeling/Water System Capacity Analysis  
**Mr. Dominguez:** For Hydraulic Modeling/Water System Capacity Analysis, this is custom software that is done by Mott McDonald for the city of New Brunswick and thus is not subject to fair and open, but you would still need to nominate and approve the continued use of this system.

Motion to Approve: Manuel Castaneda

**Robert Cartica (Board Member):** Did Mott McDonald originally respond to an RFP?

**Mr. Dominguez:** There was no need for an RFP, and if they did it was several, several years ago, before I was involved in any of this, it's possible. It's been years since they have been providing this modeling service, and that's why they don't need to continually do proposals.

Second: Suzanne Sicora-Ludwig

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		

Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stellatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- Appointment of Traffic Systems Analysis Engineer  
**Mr. Dominguez:** Same for Traffic Systems Analysis Engineer, Mott McDonald provides this service for the city of New Brunswick, same deal, we've been with them a long time, they've provided no fair and open. If you approve this, then we continue using the service.

Motion to Approve: Manuel Castaneda  
 Second: Suzanne Sicora-Ludwig

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stellatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- 2020 Calendar Meeting Dates  
 Motion to Approve: Suzanne Sicora-Ludwig  
 Second: Chris Stellatella

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	

John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stellatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

- Designation of Minor Site Plan Committee (Appointment by Chairperson)

**Mr. Dominguez:** Typically, this member has been Chris Stellatella, but it is an appointment by the Board Chair, and then, presumably, Aravind, affirmed by vote.

**Aravind Aithal (Board Attorney):** No, it's the Chairman's appointment.

**Jeff Crum (Board Chairperson):** I reappointment Chris.

- Designation of Minor Subdivision Committee (Appointment by Chairperson)

**Mr. Dominguez:** For Minor Subdivision, there are three members on this Board that are on the Minor Subdivision Committee, but one has to be appointed by the Chair, typically it's Chris Stellatella.

**Mr. Crum:** I nominate to reappoint Chris.

**Mr. Dominguez:** Would he like to continue?

**Chris Stellatella (Board Member):** Yes.

V. MINUTES OF THE BOARD'S DECEMBER 16, 2019 MEETING

Motion to Approve: Manuel Castaneda

Second: George Chedid

	YES	NO
Jeff Crum (Chairperson)		
Manuel Castaneda (VC)	✓	
George Chedid	✓	
John Petrolino		
Robert Cartica	✓	
Ryan Berger (Class I)	✓	
Chris Stellatella (Class II)		

Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

**VI. ANNUAL REPORT OF THE PLANNING BOARD**

Review of the variances granted by the Planning Board in 2019

**Mr. Dominguez:** Aravind, for the annual report, do we need to do a vote or is just a general discussion?

**Mr. Aithal:** It's a vote.

**Mr. Dominguez:** So also, in your packet you should have received a report produced by the Department of Planning Staff of the Planning Board's granting of variances and projects. Everyone here can vote on it.

**Mr. Aithal:** Right, it's by voice vote.

**Mr. Cartica:** Does the Board do this every year?

**Mr. Dominguez:** Yes, but last year it slipped. So, we will be doing going forward from now on.

**Katie Thielman-Puniello (Principal Planner, Department of Planning, Community and Economic Development):** Aravind, the Planning Board does not have complete a year-end report by law, correct? We just did it as an FYI.

**Mr. Aithal:** No, the Planning Board is not required to produce a year-end report, only the Zoning Board.

*Unanimously approved by voice vote.*

**VII. RESOLUTIONS OF MEMORIALIZATION**

*None.*

**VIII. PUBLIC HEARINGS**

*None.*

**IX. OTHER MATTERS OF INTEREST TO THE PUBLIC**

**Mr. Aithal:** Mr. Kratovil, just so you do not have to repeat this every time, just please put your address into the record.

**Charles Kratovil:** Sure. Charlie Kratovil, Editor of New Brunswick Today, newbrunswicktoday.com, P.O. Box 4180 here in New Brunswick, if anyone would like to send us anything in the US Mail. I am also a resident of the city, and, as you know, a frequent attendee of these meetings. I would like to begin by following up on the issue that I have brought up the past several months, which is the ADA violation at the Robert Wood Johnson Campus. Is there an update?

**Mr. Dominguez:** There is actually an update. I was speaking to one of my contacts, he had gone on vacation last week. I was hoping to get a specific person in particular, the facilities manager for that building. I received that information today, so there should be a letter going out tomorrow, or Wednesday at the latest, and you will be copied on it. Or you will receive a copy of it.

**Mr. Kratovil:** Thank you very much. I appreciate that. Has there been any update on finding out how the situation came to be? This is a broken elevator. However, I may have been wrong, it might have been purposely deactivated by Rutgers because of people moving in or using drugs in the elevator. Is there any progress on figuring out if this is a purposeful deactivation?

**Mr. Dominguez:** Well, that is why I was trying to get the name of the facilities manager because I wanted to go straight to the source of who is responsible for managing the mechanicals and the building at the site. So, I am hoping to get an answer from them. Because you've been there, and I've been there, and you can't tell what has caused the damage, you can just tell it doesn't work. What you are saying is totally plausible.

**Mr. Kratovil:** On July 24, 2002, this Board had a hearing in this room where this site in question was the topic. Passed a resolution of memorialization, Item G says that there will be a passageway provided from French Street to Somerset Street. The passageway will be handicapped accessible and accessible 24 hours per day, seven days per week. This is new information that I have not brought to you before. Thank you to Mr. Dominguez for getting me this old resolution.

**Mr. Dominguez:** You can actually thank Katie, she brought it to my attention.

**Mr. Kratovil:** Thank you. Item I says the ground floor will have retail. This was the failed attempt at a bank branch, Magyar Bank, they had something there for a few years. Item S is really important information "...the Applicant's Traffic Engineering also recommended to install a traffic signal at the intersection of New Street and French Street." This the area of New Street that is kind-of Bayard Street. And then "Robert Wood Johnson University Hospital agreed to pay for the installation of this traffic signal." Of course, you go to that intersection today, it is not signalized. I had to complain just to get crosswalks painted there.

**Mr. Stellatella:** That still is not a municipal road though. So even if they want to pay for it, if it was not approved, then it was not approved.

**Mr. Dominguez:** That is correct, the county might have rejected it.

**Mr. Kratovil:** That is a good point. I'll be at their meeting tomorrow. Then you get to the conditions of the approval. I just want to point out Item 7, which states that "there shall be

permanent access for pedestrians to travel between French Street and Somerset Street after completion of construction.” And that is, of course, not the case when Robert Wood is locking the doors and not letting folks cut through. That is certainly not the case if you have a walker or are in a wheelchair and can’t get up the stairs.

**Mr. Crum:** We understand. We are looking into the issue. Clearly at one time it was operable and it is an enforcement issue now. I appreciate everything that the staff has done to continue to look into it.

**Mr. Kratovil:** Right, and just to finish up, Item 22 “the Applicant will pay for the recommended traffic improvements set forth in this approved Resolution.” And in this case the Applicant is actually an LLC run by Devco. However, what I don’t understand is that the property has now been transferred to Rutgers University, and at least in the past the planning director has stated that the new owner is now exempt from these conditions set of this resolution.

*Mr. Aithal shakes his head no.*

**Mr. Dominguez:** My statement was that I am pre-empted from enforcing zoning on the state. We are trying to resolve this amicably, and I believe that we can get to some sort of agreement in resolution of this problem. But I cannot write them a zoning ticket.

**Mr. Kratovil:** I hope that a resolution is reached quickly, and I hope it is done in the spirit of all the things that were just itemized in the resolution. You know, anything less than 24/7 is not truly public right-of-way and does not make up for taking away a public street or two public streets. So, I think that it is important that a resolution is reached that is comprehensive and ADA compliant. I think that addresses these issues, including perhaps the traffic issue, you know Robert Wood Johnson promised to provide significant funds and I think that we should hold them to that...

**Mr. Crum:** I think that the city has gone as far as it can to address the ADA issue that is within our jurisdiction. On the traffic light, I believe the only thing that we can do is make a recommendation. This was in 2002, so I am not sure what the county had decided at that time.

**Mr. Dominguez:** Right and there is ultimately maintenance in some of these devices that require perpetual upkeep that they may have declined. I do not know, I have never seen the 2002 resolution prior to Ms. Puniello bringing it to my attention, and after which I forwarded it to you.

**Mr. Kratovil:** Right, and I just want to make sure that it does not get lost. I am a little troubled by this Rutgers being above the law situation.

**Mr. Crum:** It is not that they are above the law, this is treated just like any other application. What is it, a Section 31 planning review?

**Mr. Aithal:** Right, they just have to inform us and they do not need our approval. It sounds like in 2002 it was actually a private developer, and if the Chair would like me to, I certainly suggest you instruct me to do a record search to see if there is a deed ever recorded to legalize that right-of-way.

**Mr. Crum:** Yes, that'd be great.

**Mr. Aithal:** So, I will look into that. Thank you for bringing that to our attention.

**Mr. Kratovil:** Thank you. There is however, another piece of property adjacent, where it is still private property, and therefore under your jurisdiction according to your assessment. A public hearing was conducted on October 27, 2007 in this same room, Children's Specialized Hospital was the applicant and this one I already brought you up to speed on. Just for your recollection, Item 20 says the applicant testified there will be an interior walkway between the Child Health Institute and the proposed Children's Specialized Hospital that will connect French Street with Somerset Street. The applicant will put up signs identifying the walkway as a public walkway. These are all things that are not in place and I believe that that is really the crux of the matter. Again, this is private property and they are openly in violation of the conditions of approval if my assessment is correct. I don't think anyone is in disagreement with me on that. I do think that both folks need letters...

**Mr. Dominguez:** I think that the facilities manager may have access to both parts with a sort-of integrated system, by who owns what. So, I hope that this is a one stop shop and we will see how this shakes out, but I do believe that this solve our situation, the letter to the facilities manager.

**Mr. Kratovil:** Well, I look forward to that letter. So, I guess we will pursue other avenues too since this is federal law. Lastly, I just want to ask a question and make a point about the TAC. First the question is, this Board is here to represent whom exactly is it, property owners, U.S. citizens, residents of New Brunswick, or all residents of New Brunswick?

**Mr. Crum:** We are charged with overseeing the development to ensure that it conforms to the city's Master Plan. Therefore, we are representing the community's interest in what gets built in New Brunswick.

**Mr. Aithal:** I think that is correct. It's a statutory board. We do not represent any party or applicants; we look out for the public interest. To ensure that developments that are proposed conform to the city's Master Plan and the ordinances of the city. The relief from those master plans are granted by this Board and the Zoning Board.

**Mr. Kratovil:** All residents of the city?

**Mr. Aithal:** In the cosmic sense, yes, everybody.

**Mr. Kratovil:** Secondly, I just want to close with an appeal to whoever has the power to open the TAC meeting that are so crucial in the process of approving developments. I got to attend one last year, and I thought that it was a nice breath of transparency, fresh air, in terms of how the Planning Department is run. Unfortunately, that policy changed that allowed me to be in there. It was undone. I just want to say that its 2020, we've got nothing to hide. I recommend opening up the TAC meeting like in other towns, where they are public meetings, where the public can attend. If there is nothing to hide, then I would like to appeal to this Board, Planning Director, Board Council, who ultimately made that decision, to reconsider as I would like to be there and others would too. Thank you.

**Mr. Crum:** Thank you.

*Public Comments Closed.*

X. DISCUSSION ITEMS

XI. ADJOURNMENT