



**CITY OF NEW BRUNSWICK
MINOR SUBDIVISION COMMITTEE
JANUARY 15, 2020
MINUTES**

Meeting Location

Department of Planning, Community & Economic Development
Conference Room
25 Kirkpatrick St
9:30 AM

I. ROLL CALL

Affiliation	Staff Attending	
Acting Director of Planning	Dan Dominguez	X
Principal Planner	Katie Thielman-Puniello	X
Board Planner	Todd Bletcher	X
Board Engineer	Charles Carley	
City Construction & Fire Code Official	Ed Grobelny	X
City Engineer	Dan Burke	X
City DPW & Engineering Representative	Michelle Paige	X
Fire Department & Planning Board Representative	Chris Stellatella	X
Mayor's Designee	Ryan Berger	
Planning Board Representative	Suzanne Sicora-Ludwig	
Alternate & DPW Refuse and Recycling	Donna Caputo	

II. PUBLIC ANNOUNCEMENT

III. PUBLIC HEARINGS

I. ORTHO DEVELOPMENT, LLC / 34-44 SIMPLEX AVENUE / BLOCK 503, LOTS 19-22, 22.01, 22.02 (PB-2019-10)

Minor subdivision application to consolidate six existing, non-conforming lots in order to create three new developable lots (proposed Lots 20.01, 21.01 and 22.03). The lots are currently vacant and no development is proposed as part of this application. The applicant intends to construct one residence per lot under separate application. (*Steven M. Hambro, Esq.*)

James Mitchell, Esq. (Applicant's Attorney): This is an application where the residences, almost 20 years ago, burned down and it hasn't been redeveloped since then. We're looking to build three duplexes, apartment-style.

Daniel M. Doran (Applicant's Engineer): It will be a two-family house, one on each of the newly-created lots.

Katie Thielman-Puniello (Principal Planner): I will quickly go through my report. The site in question measures 0.25 acres, located to the southeast of Simplex Avenue between Lake Street and Clarke Street. The lots total 111 feet wide and range in depth from 84.7 feet to 106.1 feet. It does not contain any structures. In April of 2008, our records indicate that all the one- and two-family residences, including their foundations, were demolished due to irreparable fire damage.

The applicant is seeking to consolidate the existing lots into three buildable lots. Lot 20.01 is in the southwestern portion of the site and is a slightly irregular 0.08-acre parcel. Lot 21.01 is in the central portion of the site and is another slightly irregular 0.08-acre parcel. Lot 22.03 is in the northeastern portion of the site and is a slightly irregular 0.09-acre parcel. The site has been vacant for approximately 12 years and there has only been one request to rebuild on the site. It is currently comprised of grass, shrubs, and trees with some illegal parking that might have occurred on the site over the years.

Each proposed lot will have frontage along Simplex Avenue and a conforming building envelope is shown on each of the proposed lots, as depicted on the Minor Subdivision plan. The Master Plan and Re-Examination Report recommends this property for medium density single- and two-family residences. The property is in the R-5C Single- and Two-Family Residential Zoning District, which permits single- and two-family residences, as well as community residences per NJSA 40:55D-66.1. There are no variances as part of this application. All the lots conform to the bulk requirements of the R-5C zone.

Our comments include that the applicant should confirm that no new development is proposed as part of this application.

Mr. Mitchell: As part of the subdivision application, no, but we intend to move forward with the development.

Ms. Thielman-Puniello: As part of the review of your plans, we just noted that the parking and driveway scenarios for the two-family dwellings on the plot plan would not comply with the zoning ordinance with regard to parking lot location and driveway width.

Steven M. Hambro Representative (Applicant's Attorney): Just for clarification, is that a design criteria or a variance?

Ms. Thielman-Puniello: That would be a variance.

Mr. Doran: Just for further clarification of the driveway width regulation, the ordinance is slightly confusing in the sense that it talks about being 40% of the lot width, is that the portion that we would be seeking a variance for?

Dan Dominguez (Director of Planning, Community & Economic Development): We have a maximum driveway maximum width and for this driveway size, I believe it is either 10 or 12 feet maximum.

Mr. Doran: And is that per parking?

Mr. Dominguez: Its per driveway. So, each property gets one driveway, with one 10 or 12 feet wide driveway. Also, parking in front of the house is also another variance, as that it also not permitted under the zoning ordinance.

Ms. Thielman-Puniello (Principal Planner): Unless it goes to a garage or carport.

Mr. Dominguez: Right.

Mr. Doran: Okay.

Ms. Thielman-Puniello: Before going through the recommendations for compliance, we should ask if there are any comments from the other departments.

Dan Burke (City Engineer): We do not have many comments. Katie covered all the planning issues. We just acknowledge that it is six existing lots being converted into three conforming lots. No development is proposed as part of this application. We will have further comments when the site plans are submitted.

Todd Bletcher (Board Planner): Can I offer just one thing? I think that it is important for this one that you be very precise in the language and I think that calling them “duplexes” might be a little bit confusing because a duplex suggests that there is a lot line going down the middle with a party wall between the two units. I think that you should just call them “two-family dwellings” so as not to confuse someone, especially because that neighborhood is duplexes.

Mr. Dominguez: Based on all the hypothetical items in the plot plan, the parking related-variances are the only issues that really come up that would make you have to go before the Board, otherwise it would be a by-right permit development.

Aravind Aithal (Board Attorney): So, this is an example of good planning practices, that when you have two undersized lots that front on the same street, the merger doctrine applies. This is a good planning alternative, and also legally required, that they would merge. But this is strictly the subdivision, consolidation of the lots, creation of three new lots. So, whatever ends up being planned for that subdivision, that may or may not require you to go before the board. But the committee ought not to consider that.

Mr. Dominguez: Right, it is just something that they should be aware of.

Mr. Bletcher: And are you going to file by plat or by deed?

Mr. Doran: We will perfect the subdivision by deed.

Mr. Bletcher: You just have to make sure that you perfect those deeds and have them filed and recorded before you come back. That way we are not in limbo in developing on a lot that does not exist.

Mr. Dominguez: Right, and it needs to be done in a timely manner. I believe it is 190 days.

Mr. Mitchell: Right, so we are not filing for permits on the undersized lots.

No Public Comments.

Recommendations for Compliance

Ms. Thielman-Puniello: The applicant shall pay all outstanding fees to the City of New Brunswick, the applicant shall submit copies of all approvals, and/ or exemptions from any outside agency having jurisdiction, and the applicant shall file the subdivision with the county by deed or map in accordance with the map filing act.

Aravind Aithal (Board Attorney): I would also like to recommend that, prior to filing the deeds, that the metes and bounds survey be circulated to our engineer for confirmation.

Motion to Approve

First: Chris Stelatella

Second: Ed Grobelny

	YES	NO	ABSENT
Dan Dominguez	X		
Katie Thielman-Puniello	X		
Todd Bletcher	X		
Charles Carley			X
Ed Grobelny	X		
Dan Burke	X		
Michelle Paige	X		
Chris Stelatella	X		
Ryan Berger			X
Suzanne Sicora Ludwig			X
Donna Caputo			X

I. ADJOURNMENT