



CITY OF NEW BRUNSWICK  
ZONING BOARD OF ADJUSTMENT  
JANUARY 27, 2020  
MINUTES

Meeting Location  
City Council Chambers  
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 Castaneda
	Sue McElligott
✓	Beverly Sanchez (Alt. #1)
✓	Charlotte McNair (Alt #2)
✓	Evelyn Azcona (Alt #3)
	Vacant (Alt #4)

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETINGS ACT)

III. SALUTE TO THE FLAG

IV. REORGANIZATION OF THE BOARD

- Nomination of Chairperson: John Cox  
Motion: Ivan Adorno  
Second: Michael Belvin

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	

Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

- Nomination of Vice-Chairperson: Nancy Coppola  
Motion: John Zimmerman  
Second: John Cox

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

- Nomination of Secretary: Dan Dominguez  
Motion: John Zimmerman  
Second: Ivan Adorno

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	

Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)	✓	
Vacant (Alt #4)		

Approved.

- Nomination of Board Attorney: Aravind Aithal

**Dan Dominguez (Acting Director, Department of Planning, Community and Economic Development):** Mr. Aithal is a part-time employee of the city of New Brunswick. So, we do not have to send an RFP out for his services. If you would like to continue using Aravind you can do so.

Motion: John Cox

Second: Ivan Adorno

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

- Appointment of Conflict Board Attorney

**Mr. Dominguez:** We received one proposal for conflict board attorney and that is from McManimon Scotland. They were our conflict board attorney last year. We were going to use them once, but they could not make it to that meeting, but they are our only bid, so feel free to act with that information provided to you.

Motion for McManimon Scotland: John Zimmerman  
 Second: John Cox

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)	✓	
Vacant (Alt #4)		

Approved.

– Appointment of Board Planner

**Mr. Dominguez:** We received three proposals for Board Planner, from Bignell Planning, who has been our planning provider, CME and also from Typology. We feel that Bignell has provided us with services well for the city, as well as coming in with the lowest charge per hour. We recommend to continue using Bignell as our Board Planner, if the Board chooses.

Motion for Bignell: John Zimmerman  
 Second: Ivan Adorno

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

Vacant (Alt #4)		
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Approved.

**Todd Bletcher (Board Planner):** Thank you.

- Appointment of Board Engineer

**Mr. Dominguez:** For Board Engineer, we also received three proposals. We received a proposal from Delaware-Raritan Engineering, who has historically been our engineer. We received from CME and Mott McDonald. Again, we have been very happy with the work that we've got from D&R, and they came in well below the hourly rate versus everyone else. Therefore, we can continue using their services if the Board chooses to do so.

Motion for D&R: John Zimmerman

Second: Ivan Adorno

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

**Charles Carley (Board Engineer):** Thank you.

- Appointment for Hydraulic Modeling/Water System Capacity Analysis

**Mr. Dominguez:** This is a bespoke system that was made by Mott McDonald for the city of New Brunswick. This is not a fair and open bid because the software is proprietary for our use. So, we can continue using their services if the Board so choose to do so.

Motion: John Cox

Second: John Zimmerman

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

- Appointment of Traffic Systems Analysis Engineer

**Mr. Dominguez:** This is a similar situation, again Mott McDonald provides this special proprietary system for us.

Motion: John Cox

Second: Michael Belvin

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

- 2020 Calendar Meeting Dates

**John Cox (Board Chairperson):** Has everyone looked them over? I remember that we discussed moving the December meeting to the 21<sup>st</sup>, are we still going to leave it at the 28<sup>th</sup>?

**Katie Thielman-Puniello (Principal Planner, Department of Planning, Community and Economic Development):** That is my personal copy, I did not make the change on that version, but it is the 21<sup>st</sup> on the official version.

Motion to Approve: Ivan Adorno  
Second: John Cox

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligott		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

*Mr. Aithal swore in Mr. Dominguez, Ms. Thielman-Puniello, Mr. Bletcher, and Mr. Carly for the calendar year 2020.*

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

Motion to Approve: John Zimmerman  
Second: Michael Belvin

**Mr. Dominguez:** Only John and Michael can vote on the minutes of that meeting.

	YES	NO
John Cox (Chairperson)		
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	

Michael Belvin	✓	
Ivan Adorno		
Karla Castaneda		
Sue McElligott		
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

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

Review of the variances granted by the Planning Board in 2019

Mr. Cox: Any questions or comments?

Mr. Dominguez: Is this to be adopted via role call or voice vote?

Mr. Aithal: Since this will be adopted via resolution, a role call will be required.

Mr. Dominguez: Can the two people not on the Board last year vote?

Mr. Aithal: Yes. Everyone can vote on this matter.

Motion to Approve: John Cox

Second: Michael Belvin

	YES	NO
John Cox (Chairperson)	✓	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	✓	
Michael Belvin	✓	
Ivan Adorno	✓	
Karla Castaneda	✓	
Sue McElligot		
Beverly Sanchez (Alt. #1)	✓	
Charlotte McNair (Alt #2)	✓	
Evelyn Azcona (Alt #3)		
Vacant (Alt #4)		

Approved.

## VII. RESOLUTIONS OF MEMORIALIZATION

*None.*

## VIII. PUBLIC HEARINGS

### A. UNIVERSAL PROPERTY SERVICES (ZB-2019-07)

Site plan and use variance application for the conversion of a gasoline station/auto repair/retail use into a gasoline station/retail use at 127 Easton Avenue, Block 71, Lot 29, 31, & 33 (*David Himmelman, Esq.*)

**Mr. Dominguez:** The attorney reached out to me and said that they would like to make further improvements to the property, including fencing, before they come before the Board again. They would like to be carried to the February 24 meeting, where they will present either a re-opening or possibly testimony.

**Mr. Cox:** Since this is like their second or third time, are they going to need to re-notice?

**Mr. Dominguez:** You can grant them notice here, I believe.

**Mr. Aithal:** You can waive the notice, but this is a second reconsideration that has been carried several times, the likelihood for the general public to be confused being as great as it is, my suggestion is that the Board request that they re-notice so that the general public is aware that this is coming back.

**Mr. Cox:** Do we need to make a motion for that?

**Mr. Aithal:** No.

**Mr. Dominguez:** I will let them know.

## IX. OTHER MATTERS OF INTEREST TO THE PUBLIC

**Mr. Aithal:** Mr. Kratovil, just put your address into the record for us.

**Mr. Kratovil:** Sure. If anyone wants to send me mail, you can send it to P.O. Box 3180, New Brunswick, New Jersey. I am a resident of the second ward, I am here in my capacity as the editor of New Brunswick Today, a community newspaper available on-line at [newbrunswicktoday.com](http://newbrunswicktoday.com).

I would like to follow up about an issue that I spoke about at the last meeting in 2019. The matter of the ADA violation on French Street on the Rutgers/Robert Wood Campus. Basically, DEVCO came before the Planning Board and didn't keep their word to create a passageway through the Robert Wood campus to make up for the fact that Robert Wood had taken over two public streets: Scott Street and Wright Street. They have not made good on their word, and I would like to thank the City Planning Director for putting this in writing by sending a letter to the construction official at Rutgers. I want to thank Chuck O'Donnell, reporter of TAPinto New Brunswick, for writing about it today, actually. So, I

am now getting the first glimpse at what Rutgers is going to say in response to these violations. Just for the record, they said that “The non-compliance predates the University’s integration with UMDNJ, so it is not clear how and when it occurred. This is an area that has undergone many changes in the last 18 years. We are assessing the situation including the continued need of the remedies cited in the resolution.” Before I go any further, I just want to check if that is in-line with what the Planning Director has heard as a response to the letter.

**Mr. Dominguez:** I have not received any response. This is the first that I am hearing of this. I do not know where you got that response. It sounds good, I am glad to hear it. However, I do not know where you got it from, because I have not gotten anything.

**Mr. Kratovil:** That’s Chuck who got that one, he asked Rutgers for comment, that’s what he published today in TAPinto New Brunswick, and I think that it is a little interesting in the language to say that there have been many changes undergone in that area. It’s been under Rutgers’ control for seven, eight years now and the changes that have happened over the years have been bad. The bank closed up. There used to be a bank on the ground floor, however it closed up. The elevator turned off or was deactivated, so now people with mobility impairments and other disabilities can’t get to the courtyard, through the passageway if they are lucky enough to go at a time that it is even open. It’s a problem, it is federal violation with the American with Disabilities Act. So, I wish that action would come sooner, but I am glad that they have gotten the letter and are at least responding to the letter and responding to Chuck’s questions. I guess I will give it some time, since this was on January 15 that the letter was sent out, and the letter cites a 30-day timeframe for them to respond with a corrective action plan. So, if I can just ask if the Planning Director promised to share whatever he receives from Rutgers with me.

**Mr. Dominguez:** I have no problem with that.

**Mr. Kratovil:** I appreciate that. Just so I don’t have to keep asking about it. The only other issue that I want to bring up is an issue that I spoke about with the Planning Board a little bit, and that is that New Brunswick is home to citizens and non-citizens. I wanted to ask whether the representatives on this Board are supposed to serve all New Brunswickers. Through the Chair, through your attorney, would it be fair to say that the Board members only represent the legal citizens of the US and New Brunswick, or would that be inaccurate to say?

**Mr. Aithal:** Mr. Chair, if I may, the Municipal Land Use Law use spells out the duties of the members of the Zoning and Planning Board. Therefore, I ask that it be restricted to what the Municipal Land Use Law says, which is the law that governs your activities, along with the ordinances of the City of New Brunswick. So, I am not really sure, beyond that, what Mr. Kratovil is asking you, but it certainly is his right to make any comments that he wants during this period.

**Mr. Kratovil:** Thank you for the answer. Just for the record, the Planning Board, when asked, the conclusion that we came to was that, in the cosmic sense, the Board members are supposed to represent everyone without any regard to people of a certain group or citizens or only people who have lived here for “X” number of time. That’s why I’m concerned because, Mr. Chairman, you made public comments on Facebook that in my estimation is unfair to the undocumented population of New Brunswick. You say “They are

illegal. If they are here illegally, they do not deserve licenses.” I pushed back on that by saying, some of the people that you are talking about here are people that you are supposed to be representing on the Zoning Board. This is not a very human way to talk to or about people. In general, you are also sharing inflammatory information that you knew was false, it was sort of fear mongering statistics about crimes committed by the so-called illegal population. I thought that was wrong, so I pushed back against it. What really bothered me was that you wrote back, “I represent the legal citizens of the US and New Brunswick.”

I think that in light of the counsel’s opinion, there should be a reconsideration of your approach. I am not trying to make this political. What I am concerned about is some of your views, it seems that you are not interested in representing the whole city, and, as I brought up in the summer, you were not willing to take a position on climate change, which is a serious situation facing every community on the globe, and I think that as we see more extreme weather it is going to cause more problems, like the crane that came crashing down during a windstorm last July. As we see other issues come forth, they are clearly a result of man-made pollution and climate change. Land use boards play an important role from preventing that from happening in the future, that policies are in place to make sure that pollution is not getting into the water or that we are not making the problems worse that are growing here from climate change. I would just ask the Chairman to keep an open mind this year toward issues like that and to be more compassionate for your fellow city residents as we move forward.

Mr. Cox: Thank you.

*Public Comments Closed.*

- X. DISCUSSION ITEMS
- XI. ADJOURNMENT