



CITY OF NEW BRUNSWICK  
ZONING BOARD OF ADJUSTMENT  
OCTOBER 26, 2020  
MINUTES

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

I. ROLL CALL

X	John Cox (Chairperson)
X	Nancy Coppola (Vice Chairperson)
X	John Zimmerman
	Michael Belvin
X	Ivan Adorno
X	Karla Castaneda
	Sue McElligot
	Beverly Sanchez (Alt. #1)
X	Charlotte McNair (Alt #2)
	Evelyn Azcona (Alt #3)
X	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 and Star Ledger. 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 and is also posted in the back vestibule of City Hall visible to the public through the windows in the lobby of City Hall, New Brunswick, New Jersey and has been transmitted to the official newspaper for the City of New Brunswick, namely the Home News Tribune and Star Ledger.

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 and video systems. Public participation at public meetings has been revised, and the public may participate

through a conference call system. The public is encouraged to call in to the conference system or video through the phone numbers and access code transmitted in the above 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 and video 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, I will first read public comments issued to the Board in writing, then 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 the Planning Department at 732-745-5050.

**III. SALUTE TO THE FLAG**

**IV. MINUTES OF THE BOARD’S SEPTEMBER 28, 2020 MEETING**

**Motion to Approve**

- I. Nancy Coppola
- II. John Cox

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

**V. RESOLUTIONS OF MEMORIALIZATION**

**A. WORLD’S BEST TEMPS, INC. / 255 FRENCH STREET / BLOCK 425, LOT 2.03 (ZB-2020-04)**

**Motion to Approve**

- I. Nancy Coppola
- II. John Zimmerman

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

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

**Motion to Approve**

I. Nancy Coppola

II. John Cox

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

**VI. PUBLIC HEARINGS**

**A. CRISTINA LACERDA / 36 DIVISION STREET / BLOCK 52, LOT 49 (ZB-2020-16)**

The applicant is seeking to legalize a preexisting, nonconforming three-family residence. Zoning district R-5A Single- and Two-Family Residential.

**John Cox (Chairperson):** Before we get into that, I'd like to ask if any member of the Board that has any conflict with this, please speak up now.

Mr. Dominguez: Aravind, if you were going to interject.

Aravind Aithal: I was. I had a conversation earlier with Nancy Coppola, she has indicated that for 351 Somerset Street, Joseph Catanese, that she has a close friendship with Mr. Catanese and his family, and will therefore be recusing herself from this application.

Nancy Coppola (Board Member): Hi, this is Nancy, yes, that is correct.

Mr. Cox: All right, thank you.

Mr. Dominguez: What I was going to say was, Chairman Cox, is that I believe this, the Cristina Lacerda, 36 Division item, is being carried and that they'll have to re-notice. Aravind, is that accurate?

Mr. Aithal: That is accurate. The notice was defective.

Mr. Dominguez: Okay.

Mr. Cox: Does this carry to the next meeting?

Mr. Dominguez: Well, they'll have to re-notice, so to whatever meeting...

Mr. Cox: Okay. We'll move on to the next application.

- B. JOSEPH J. CATANESE / 351 SOMERSET STREET / BLOCK 140, LOT 4.01 (ZB- 2020-13)  
Variance application to construct an additional single-family dwelling on the property. The new dwelling will be created through the demolition of a portion of an existing detached garage and construction of an addition on the remaining portion of the detached garage. Zoning district R-5A Single- and Two-Family Residential. (*Peter Vignuolo, Esq.*)

Ms. Coppola: All right, so, John, this is Nancy Coppola. I just want it on record that I am recusing myself from this application. And I don't know if you need me for the next application, so if you want me to just hang out. I'm not sure, Danny, what we have as far as numbers go?

Mr. Dominguez: Nancy, we have - we have seven. And I feel like, I won't speak for the applicant, but I - I feel like Mr. Lanfrit will probably prefer to have seven for his application with a "d" variance. Is Mr. Lanfrit around to speak for himself?

Peter Lanfrit (Attorney for Hoff Application): That is correct. I would hope that Nancy would stay around so she can listen to that application.

Ms. Coppola: Okay. So, I will just recuse myself from this application. And then, if somebody just wants to let me know when to come back, I will be glad to return.

Mr. Cox: Sure, Nancy.

Mr. Dominguez: All right.

Ms. Coppola: Thank you.

Mr. Aithal: Dan, do you have her cell phone number?

Mr. Dominguez: I do. I think a few of us do. I'll reach out to her.

Mr. Aithal: If you wanted to log off, then we could call you before the next application starts.

Ms. Coppola: Thank you. That's what I will do. Thank you very much.

Mr. Cox: Thank you, Nancy. Okay. So, Mr. Vignuolo, do you want to start?

Mr. Aithal: Mr. Clarkin, you are on mute.

Mr. Dominguez: I got you, Jim. I unmuted you. Now you re-muted yourself. Jim, I unmuted you. You're good.

Jim Clarkin (Applicant's Attorney): I'm good now, gentlemen?

Mr. Dominguez: Yes.

Mr. Clarkin: All right. Good evening, Chairman Cox. Attorney James Clarkin from the firm Clarkin & Vignuolo for the applicant, appearing for my son-in-law, Pete Vignuolo. I also want to recognize the board members, as well as the professional staff. The property is located at 351 Somerset Street in one of your R-5A residential zones. The property is currently improved with a single-family dwelling and a four-car detached garage to the rear. The applicant proposes to retain the existing single-family dwelling and to demolish a portion of the garage and to reconfigure that garage, and it will be a large four-car garage. But the visible part of this application is the construction of a second story on that garage structure to house a second residential unit, being a two-bedroom. In connection with the project, the applicant requires a variance for two principal structures on the lot. The R-5A zone permits a two-family dwelling, but it has to be within one structure. We are proposing two separate structures, and for that reason, we require the variance relief. The number of units permitted will be the same, two. And the bottom line is the density is permitted. Applicant also requires the following bulk variances. First, we have a side yard setback, combined side yard, minimum required 25 feet, proposed is 16.16 feet. Building coverage, maximum permitted is 20 percent, existing is 21.5 and proposed - I'm sorry, strike that. Maximum permitted is 20 and proposed is 21.55. Impervious coverage, maximum permitted is 50 percent, 60 percent currently exists and 65 percent is proposed. We also require a variance for outdoor mechanical equipment. Minimum setback required is 10 feet and proposed is five. We also require a floor area ratio variance, maximum permitted 0.35 and proposed is 0.43, which we think is a modest overage. The applicant requests a continuation of three existing non-conforming conditions. This relates to the front yard and side yard setback of the existing home, and then also a driveway setback variance. We have only one witness this evening, it is Angelo Valetutto. He will qualify both as an engineer as well as a planner. Mr. Chairman, unless you or any of the board members have any threshold questions, I will move right to the first witness.

Mr. Cox: Any member of the board or professionals have any questions before we start? Seeing none, go ahead, Mr. Clarkin.

Mr. Clarkin: Thank you, Chairman. We'll call Angelo Valetutto, please.

Angelo Valetutto (Applicant's Engineer): I'm on. Ready to be sworn.

*Mr. Angelo Valetutto, sworn*

**Mr. Clarkin:** Thank you. Mr. Valetutto, you're a licensed engineer and a licensed planner in the State of New Jersey, correct?

**Mr. Valetutto:** Yes, sir, I am.

**Mr. Clarkin:** And have you previously qualified as an expert in both of those fields before this board?

**Mr. Valetutto:** Yes, sir, I have.

**Mr. Clarkin:** And have your credentials changed in any way negatively since you were last accepted?

**Mr. Valetutto:** No, sir. They have not.

**Mr. Clarkin:** Mr. Chairman, I would offer him up once again as an expert in both fields.

**Mr. Cox:** And we'll accept him as an expert in both fields.

**Mr. Clarkin:** Thank you. Mr. Valetutto, are you familiar with the application and did you do the engineering plans that accompanied it?

**Mr. Valetutto:** Yes, sir, I have. But I have to give the props to the surveyor and the architect that I combined to make the site plan.

**Mr. Clarkin:** Okay. Have you also reviewed the City's Master Plan, as well as its zoning ordinance?

**Mr. Valetutto:** Yes, sir, I have.

**Mr. Clarkin:** And have you visited the site?

**Mr. Valetutto:** Yes, sir, on a couple of occasions.

**Mr. Clarkin:** And have you also surveyed the surrounding neighborhood pattern of development?

**Mr. Valetutto:** Yes, I have. And it's primarily residential. I believe I had counted approximately three or four two-family, all within one structure within the general area.

**Mr. Clarkin:** Okay. Let's describe the improvements on the site today.

**Mr. Valetutto:** Sure. It's a single-family dwelling situated on the southerly portion, which is the frontage on Somerset Street and on the far westerly side of the property line. And then to the rear is a detached four-car garage.

**Mr. Clarkin:** Let's talk about the dimensions of the subject property, what are those?

**Mr. Valetutto:** The subject property is 50 foot in width with a depth of 200 feet for a total area of 10,000 square feet.

**Mr. Clarkin:** Does the property meet the required lot, width, depth and area requirements for the R-5A zone?

**Mr. Valetutto:** That's a question I get to say yes and no. The lot width is 50 where 80 is required for the two-family use. The depth is 200 feet, which is twice what is required. And 10,000 square feet is also in excess of the 8,000 required for a two-family use.

**Mr. Clarkin:** So, what the board could draw is that the lot is oversized for the zone and dimensionally it is long and thin?

**Mr. Valetutto:** That is accurate.

**Mr. Clarkin:** Are there any non-conforming conditions that exist on the site today?

**Mr. Valetutto:** Yes, sir, there are. With regard to the front yard setback of the existing single-family, 10 feet is the minimum. The existing and the proposed is 6.3. And there's also, with regard to a side yard setback, where 2.3 feet is what is existing and proposed, and 15 feet is the minimum required.

**Mr. Clarkin:** And we also have a driveway setback non-conformity as well, correct?

**Mr. Valetutto:** That is correct. We are, approximately, I think it's two and a half/three feet off the property line. I believe it's required to have five feet.

**Mr. Clarkin:** All right. Please, if you would, detail the applicant's proposal.

**Mr. Valetutto:** Sure. As you indicated in your opening statements, the applicant proposes to retain the existing single-family dwelling as is, while partially demolishing and reconfiguring the existing four-car garage to provide an enlarged four-car garage with a second floor being an apartment for - as a dwelling unit. Excuse me. A portion of the easterly side of the existing garage will be demolished in order to allow for a driveway to the rear of the garage. And the reason that the driveway is required at the rear of the garage is that we'll be able to access the rear for purposes of the two-car garage, and maintaining a two-car garage on the front portion for the benefit of the single-family use.

**Mr. Clarkin:** All right. So, we'll have two garage doors on the front of that structure and two to the rear of the structure, correct?

**Mr. Valetutto:** Yes, sir, that is correct.

**Mr. Clarkin:** Okay. Is the layout and the design of this project impacted by the existing improvements on the site?

**Mr. Valetutto:** Yes, sir. The existing improvements, as well as, obviously its width, which as you have already put on the record that it's thin and long, so that we are utilizing the existing garage that - or, excuse me, driveway that services the single-family and keeping that to continue to service the two-car garage at the back of what will be the new four-family - excuse me, four-car garage with the second story being the apartment unit.

**Mr. Clarkin:** Okay. Is the style of the proposed structure compatible with the existing dwelling?

**Mr. Valetutto:** Yes, sir, it is. And with the entire neighborhood along Somerset Street.

**Mr. Clarkin:** Okay. Do the dimensions of the lot detrimentally impact –

**Mr. Valetutto:** They do. The lot, again, is as was described, long and thin, but oversized by the zone by some 2,000 square feet. It's already improved with the single-family dwelling. And it would be difficult to incorporate an addition onto the single-family dwelling to make it a two-family dwelling which, in my opinion, would be out of character of the neighborhood. In light of the significant lot depth, the construction of an additional single-family dwelling is a better planning alternative that we propose.

**Mr. Clarkin:** What variances does the applicant require?

**Mr. Valetutto:** We are now with the two structures required combined side yard setback, the floor-area ratio, the building coverage and the impervious coverage, as well as you indicated the setback for the mechanical equipment.

**Mr. Clarkin:** Let's start with combined side yard setback. What is the standard? What exists and what is proposed?

**Mr. Valetutto:** The standard is 25 feet. What is existing is 23.9. And what is proposed is 16.16 feet.

**Mr. Clarkin:** Okay. The combined side yard setback for the garage structure is actually being improved, is that correct?

**Mr. Valetutto:** That is correct. Existing is 1.5 feet, and now we're increasing it to, it looks like, 11.59.

**Mr. Clarkin:** All right. Now would we, therefore, be increasing the light, air and open space to the neighbor to the east?

**Mr. Valetutto:** We do. By virtue of the relocation to more centrally located to our property, but also with the fact that where the next door neighbor's building is located, their dwelling, we're well behind it. And we're in really the rear yards of adjoining properties on either side.

**Mr. Clarkin:** Okay. Moving onto the building coverage and the impervious coverage variances, what are the standards, what exists and what is proposed?

**Mr. Valetutto:** For the building coverage, what is maximum is 20 percent. We are presently at 18.69 percent. And what would be proposed with the application is 21.55 percent. And with regard to the impervious coverage, where the maximum permitted is 50 percent, we are presently at 60.89 percent, which would be increased up to 65.20 percent.

**Mr. Clarkin:** All right. Going down the impervious coverage variance, is that variance a function at least in part of the existence of the detached garage and the driveway, which runs the length of the easterly property line?

**Mr. Valetutto:** It is. And to provide adequate space for the vehicle to drive, not only along the driveway for the new structure, but to make the U-turn to enter into the two spaces at the rear of the structure.

**Mr. Clarkin:** Is the building coverage, in part, a function of the applicant's use of a portion of the existing garage in connection with the new structure to the rear?

**Mr. Valetutto:** Yes, sir, it is. Because, as I've indicated, in order to safely have the access for the vehicles to get into the two cars at the rear of the new structure, that all adds to the impervious coverage.

**Mr. Clarkin:** Just as an aside, would the rear building with its second story be visible from Somerset Street?

**Mr. Valetutto:** Only if you stop along the driveway, our existing driveway and look to the rear. Other than that, it will just be blended into the neighborhood.

**Mr. Clarkin:** All right. Let's turn our attention to the floor area ratio variance. Can you identify the variance relief that is required here?

**Mr. Valetutto:** Yes, sir. The maximum permitted in the zone for our use is 0.35. What exists today is 0.17. And what will be proposed is just under 0.44, at about 0.439.

**Mr. Clarkin:** Would you have the opinion that this is a modest increase in the FAR?

**Mr. Valetutto:** It is modest. And then, as we will discuss later, primarily due to the fact that the whole first floor of the structure is going to be a garage on the ground floor.

**Mr. Clarkin:** So, a lot of that FAR is the garage, as opposed to habitable space?

**Mr. Valetutto:** That is correct. The footprint of the building is just under 1,200 square feet. So that, obviously, gets added into the FAR ratio irrespective of its use as a residence or for garage use.

**Mr. Clarkin:** Okay. What is the standard for the board's consideration of an FAR variance? Did you hear –

**Mr. Valetutto:** Yeah, I'm just - I'm just looking. I may have lost it within my notes. The standard for the board's consideration is whether or not the site can accommodate or handle the issues that would be associated with the FAR exceeding the ordinance.

**Mr. Clarkin:** All right. Even though the floor area ratio is exceeded, will the new structure to the rear comply with the setback requirements?

**Mr. Valetutto:** Yes, sir. With the front and the rear, as well as with the building height, the combined side yard setback will be increased by over 12 feet and almost comply with the total 25 feet that is required by the zone, at 24.06 feet.

**Mr. Clarkin:** All right. Is the applicant going to deed restrict the ground floor of this new structure to the rear to limit it to parking only and ensure it will not be used for residential use in the future?

**Mr. Valetutto:** Yes, sir. I have had the consultation with Mr. Catanese and he has indicated that he would accept that as a deed restriction.

**Mr. Clarkin:** Mr. Chairman, if we're fortunate enough to receive your approval this evening, we would accept that as a voluntary condition of the approval.

Mr. Cox: All right. Thank you.

Mr. Clarkin: Moving on with Mr. Valetutto, in your opinion, based on the foregoing, can this property handle the issues associated with the FAR exceeding the standard?

Mr. Valetutto: Yes, sir. Because as we've indicated the new structure will meet the front yard, rear yard and single side yard setbacks of the R-5A zone for a two-family use. Two principal structures will not comply with the combined side yard setback, as indicated previously, but it will be improved by virtue of the relocation of the structure in the rear. Although the building coverage and impervious coverage exceed the requirements of the zone, there will be no, in my opinion, no detrimental stormwater issues on the adjoining properties. And finally, we will provide a conforming number of parking spaces.

Mr. Clarkin: Isn't that usually the issue that will trigger an FAR?

Mr. Valetutto: Yes, sir.

Mr. Clarkin: Okay. The applicant also requires a setback requirement for the mechanical system. Can you address that for a moment?

Mr. Valetutto: Sure. Going back to the fact that we are a 50-foot wide lot and are situating the building as best we can central within it, the side yard setbacks are approximately 10 feet on the side of the dwelling where we will be looking to put the mechanical component. So that the setback would be reduced to somewhere between 5 to 6 feet.

Mr. Clarkin: All right. Are you justified granting these new variances?

Mr. Valetutto: In my opinion the flexible "c(2)" analysis, we look to identify the benefits and any detriments from granting the variances and then do the balancing process. In this particular case the granting of these variances will allow the applicant to create an additional residential unit on a property in conformity with the use restrictions in the R-5A zone.

Mr. Clarkin: Do you see any detriments if these variances were granted?

Mr. Valetutto: In my opinion, I do not. We are providing the requisite off-street parking spaces, which is certainly one particular issue. But secondly, that the variances we're seeking will not adversely affect the adjoining property neighbors in terms of impairing their light, air, open space, and that the variances in total are very modest in scope.

Mr. Clarkin: All right. Taking the benefits that you testified to and the discussion of the detriments, when you do the weighing process, how does it come out?

Mr. Valetutto: That the - the fact is that the benefits far outweigh the detriments of which I see there are no detriments.

Mr. Clarkin: All right. Let's address the two prongs of the negative criteria. Let's start first, can these variances be granted without substantial impairment to the intent and purpose of this City's zone plan and zoning ordinance?

**Mr. Valetutto:** Yes, sir. In my opinion it can because the applicant's use is consistent with the zone plan. And as for the variations from the zoning ordinance once again, in my opinion, they are modest in their scope.

**Mr. Clarkin:** All right. Can the variances be granted without substantial detriment to the public good?

**Mr. Valetutto:** Once again, yes. The fact that the scope of the variances are modest plays a part in the conclusion. But more importantly, and as I previously mentioned, there are no substantial detriment to light, air and open space to any of our adjoining neighbors. And that the light, air and open space of the neighbors to the east is actually substantially improved from where they presently exist with the location of the existing four-car garage.

**Mr. Clarkin:** Can the existing non-conformities on the site be continued without any substantial impacts to the neighborhood or the zone plan?

**Mr. Valetutto:** Yes, sir. In my opinion they can. There does not appear to be any impacts on the present development. And what we're proposing, in my opinion, will not create any for the neighbors or the neighborhood.

**Mr. Clarkin:** Have you had an opportunity to review the report of the city engineer, dated September 10th of this year?

**Mr. Valetutto:** Yes, sir, I did. And we also reviewed them at the TAC that we had last month.

**Mr. Clarkin:** And can the applicant comply with the comments contained in that report?

**Mr. Valetutto:** Yes, sir, we can. And we'll stipulate such, should we receive the benefit of the approval this evening.

**Mr. Clarkin:** Specifically directing your attention to comment Number 6, can the applicant comply with rate of runoff requirements?

**Mr. Valetutto:** Yes, sir, we can. And as indicated, if we receive the benefit of the approval, we'll provide the information for the professionals of the city to review and render their opinion that they share my opinion.

**Mr. Clarkin:** Will the runoff from what is proposed have an adverse effect on any of the neighboring properties?

**Mr. Valetutto:** No, sir, it does not. The slope of the land is in - in a direct front to rear of their property, and we're not changing it and we're not sending anything to the left or to the - to the east or to the west that would affect our neighbors.

**Mr. Clarkin:** Have you also had an opportunity to review Ms. Puniello's report from the city planning department, dated October 19th of this year?

**Mr. Valetutto:** Yes, sir, I did.

**Mr. Clarkin:** Overall, can the applicant comply with the comments contained in that report?

**Mr. Valetutto:** Once again, yes, we can. And would accept same as a condition of approval, with some comments, I believe, we're going to address.

**Mr. Clarkin:** All right. Specifically directing your attention to the following comments: 2, 3, 4, 6, 8 and 9, can the applicant make the requested plan revisions in the event this application is approved?

**Mr. Valetutto:** Yes, sir, we can.

**Mr. Clarkin:** Going back to comment Number 5, can the applicant supply the required shrubs and shade trees?

**Mr. Valetutto:** Yes, sir, we can. I mean we have a lot of room, especially in the rear yard, to be able to provide enhancement of the aesthetics of the trees and shrubs.

**Mr. Clarkin:** All right. Turning your attention to Comment 7, the applicant has agreed to deed restrict the garage, is that correct?

**Mr. Valetutto:** Yes, sir, that's correct, as stated earlier in my testimony.

**Mr. Clarkin:** With respect to comment Number 10, that concerns itself with the chain-link fence within the City's right-of-way. Can you address that, please?

**Mr. Valetutto:** Yes, sir. It is presently located within the City right-of-way, at the edge of the sidewalk. And what we've offered is that we would like to continue it, first, by virtue if the board grants the approval this evening, and then recognizing that we need the approval from City Council. And the reason is that if we shift this back, what it would do would provide an area or a target area for pedestrians walking by to just drop litter, something that has not been a particular issue based on the location of the fence where it exists today.

**Mr. Clarkin:** Finally, with Comment 11, will the applicant supply the required trees or a contribution?

**Mr. Valetutto:** Yes, sir. But I'm very certain we can provide the trees and do so on our property.

**Mr. Clarkin:** Mr. Chairman, board members, that concludes his direct testimony. He's available to your questions as well as those of the public.

**Mr. Cox:** Thank you. Does the board, or the board professionals, have any questions for this witness at this time?

**Mr. Dominguez:** Excuse me. Hold on one second. Aravind, I just unmuted you. We have to open him up to cross-examination I guess, technically?

**Mr. Aithal:** No. No, we don't.

**Mr. Dominguez:** No?

**Mr. Aithal:** Yeah, the standard procedure for the zoning board is that we go to board member questions and then the public comment.

**Mr. Dominguez:** Okay. All right, it works for me. I'll unmute all the members of the board, if anyone has any comments. Okay.

**Mr. Cox:** Any member of the board have any questions or comments for this witness? No? All right. Hey, Dan, does any of the board professionals have any questions?

**Mr. Dominguez:** Mr. Carley? Katie Puniello?

**Katie Thielman-Puniello, Principal Planner, Department of Planning, Community and Economic Development:** Yeah, actually I have a quick comment. This is Katie. Can you guys hear me?

**Mr. Dominguez:** Yes.

**Ms. Thielman-Puniello:** I just wanted to note we called out a variance also for the two principal structures on the site, which I do think the applicant has addressed, but I think they just might want to state or include that.

**Mr. Clarkin:** I'll address that. I had indicated in my opening remarks that that was a variance that we are seeking. And I believe that, based upon the fact that a two-family is permitted, and the fact that what the density is that we're proposing is also permitted, it's more or less a de minimus variance than one that really requires a substantial amount of proofs.

**Ms. Thielman-Puniello:** Thank you. That's fine. I must have missed that part. Thank you.

**Mr. Dominguez:** All right. Mr. Chair, can we proceed to the public comment.

**Mr. Clarkin:** Well, let me just so indicate that that concludes our direct case, and now would be time to go to public comment.

**Mr. Dominguez:** Okay.

**Mr. Cox:** Thank you.

**Mr. Dominguez:** Let me just unmute folks so that we can hear. We have feedback issues. All right, I am - let me just do my thing so I don't screw this up. All right. At this moment we are preparing to open the meeting to public comment on this application for five minutes per person. In order to assure that the Zoning Board of Adjustment can hear from the interested public, and that the public could hear public comments, I will organize the speakers in order by last name. In a moment I will unmute the public call-in. At that time, I will ask those with the last names starting with A, to provide me your last name, first name and home address. I will confirm that the information is correct. And I will move on to the next person 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 who 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 once again check to see if anyone else would like to comment. After asking three times I will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted and speak slowly and clearly for the benefit of all. I will ask that you please remain silent when I initially unmute the phones so that we can all hear each other and begin the speaker-registration process. The phones are now unmuted and I will ask any member of the public, on the

phone or on video, who would like to comment on this specific hearing with the last name starting with the letter A, please state your full name and home address.

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

**Mr. Dominguez:** Is anyone on the call who wanted to do public comment on this specific application and did not get a chance to get on the initial list? I will add you. Anyone else? Seeing none, Mr. Kratovil, it's your time to speak.

*Mr. Charles Kratovil, sworn*

**Charles Kratovil:** Thank you. Good evening, members of the board and professionals, Mr. Clarkin, and everybody else. Just a couple quick questions tonight. I wanted to ask, and forgive me if I missed it in the presentation, how many units total are - are on the property? Is it just one housing unit?

**Mr. Clarkin:** A second unit is proposed.

**Mr. Kratovil:** I'm sorry, I didn't hear that.

**Mr. Clarkin:** I said there is one residential unit currently on the property and a second residential unit is proposed.

**Mr. Kratovil:** Okay. And the existing one, is that a rental property? Is that being used as a rental?

**Mr. Clarkin:** The answer is it's used by a family member.

**Mr. Kratovil:** Gotcha. And the applicant plans to rent out the other unit?

**Mr. Clarkin:** No. It's also going to be used by a member of the family.

**Mr. Kratovil:** Okay. Well, thank you very much for answering my questions. Have a good evening, everyone.

**Mr. Dominguez:** Thank you, Mr. Kratovil. Anyone else from the public who would like to comment on this specific application? I will add you to the list of speakers. Anyone else? Last call. Seeing none, Mr. Chair.

**Mr. Clarkin:** Mr. Chairman, 30 seconds to sum up?

**Mr. Cox:** Sure. Go ahead, Mr. Clarkin, please.

**Mr. Clarkin:** The planner witness testified credibly that both the positive and negative criteria has been met for the floor area ratio variance, the new bulk variances and the continuation of the existing non-conforming conditions. The FAR, which I think is the principal variance here, it's modest in scope. And the most important point is this property, because it's oversized and has that staff, could easily handle the FAR. As I've pointed out previously, the most important issue a lot of times in the city with the FAR is having a conforming number of parking spaces, which we do. Request your approval, I recognize there are only six board members eligible to vote. And although we're entitled to seven, we will go for a vote with the six members.

Mr. Cox: Thank you, Mr. Clarkin. Do we have a motion, or I'm sorry, Katie, can you please give us - if we were to give this a motion to approve, any conditions that would be placed on the application?

Ms. Thielman-Puniello reads the conditions of approval into the record

Mr. Dominguez: Thank you, Katie.

Mr. Cox: Thank you, Kate.

Mr. Dominguez: Excuse me, John. John. I have to add one. Sorry, Katie. We need to add a condition for compliance with the city's water service system ordinance. The creation of the new unit will require them to replace the water service into the building. So, we'll need to be - that to be one of the conditions on the - on the application.

Mr. Clarkin: Is that an ordinance requirement, Dan?

Mr. Dominguez: Yes. I mentioned it to Peter at the - at the last TAC. And if any additions, new constructions, if the piping is before 1987 from the main to the house it has to be replaced.

Mr. Clarkin: All right. Thank you.

Mr. Clarkin: Thank you, Dan. Do I have a motion from a board member?

**Motion to Approve**

I. John Zimmerman

II. Chris Sumano

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

- C. NINA AND JASON HOFF / 130 REDMOND STREET / BLOCK 151, LOT 39.01 (ZB-2019-03) Preliminary and final site plan application with use and bulk variances to renovate an existing warehouse building for use as a four-unit residential building. Zoning district R-5A Single- and Two-Family Residential. (Peter U. Lanfrit, Esq)

**Peter Lanfrit (Applicant's Attorney):** Good evening, Mr. Chairman, board members. Am I - can you hear me?

**Mr. Dominguez:** Yes.

**Mr. Cox:** Yes.

**Mr. Lanfrit:** Good evening, Mr. Chairman, members of the board. Peter Lanfrit appearing on behalf of the applicant. This is a rather unique application in that we have today a property in a residential zone that is a non-conforming use that is being used as a warehouse. We are here this evening to take that warehouse and bring it into conformity to the extent that we are proposing residential uses in a residential zone. The variances that we are seeking are that we're asking for a four-family residential unit, four units instead of two units, which are permitted in the zone. There are numerous existing conditions with respect to this property. And I think, rather than have my professionals go through them one by one, I will list all the existing conditions that are in deviation and then they can just ratify those when they testify. First of all, the lot is undersized. The zoning ordinance requires 8,000 square feet. The lot is 5,500 square feet. The lot width is required to be 80 feet. It is 55 feet. The front yard setback is required to be ten feet. The building is at zero feet. The minimum side yard setback, 15 feet is required, and the building is set back 2.05 feet. The side yard combined setback requires 25 feet, we're at 24 feet. The rear yard setback, 40 feet is required and 0.06 feet is existing and proposed. And then the building coverage, your ordinance allows 20 percent and we're at 46.05 percent. All of those are existing conditions on the property with the existing building and none of those change as a result of this application. There are new variances that we are seeking. One, as I indicated earlier, is going to be a use variance. Since four-family or multi-family buildings are not permitted in the R-5A zone, so that will be a new variance because we are seeking to have it converted to four units rather than two. The impervious coverage, the ordinance requires 50 percent. It is currently over at 51 percent. And we are proposing to move it to 62 percent to provide additional parking on the site. The FAR, 0.35 is required. 0.82 is already existing. And we're proposing 0.92. Parking spaces. Eight spaces are required. There are zero that are existing. And we are proposing three spaces. The buffer requirement to an adjacent residential use is five feet. Our driveway is three feet from the property. And then the screening of six-foot high for the parking area, there is a requirement, and we are not providing any. So those are the variances that we are seeking. I do have the applicant, Mr. Hoff. I don't know if Mr. Hoff has been able to get on video because he was not earlier this evening. If he can, I will have him testify as well as my architect, the site engineer and my planner. Also, Dan, if the plans are available for viewing by the board members, it may make the application go quicker, if you can put them up on the board.

**Mr. Dominguez:** All right. So, who is going to be your first witness?

**Mr. Lanfrit:** I don't need the plans for the first witness. The first witness will be Mr. Hoff.

**Mr. Cox:** All right. Just before we get started, I just want to double-check with all members of the board, that nobody has a conflict with this application before we begin. If we can unmute the board members just so they can answer. If anyone has a question, please let us know. If anyone has a conflict with this application, please let us know.

**Mr. Dominguez:** They're all unmuted.

**Mr. Cox:** All right. Any board member have a conflict with this application?

**Ms. Coppola:** No.

**Mr. Cox:** Okay. All right, Dan, we can go back. Mr. Hoff, you can - Dan will have to swear you in.

**Mr. Dominguez:** Mr. Hoff, can you please state your name, spell your name for the record.

*Mr. Jason Hoff, sworn*

**Mr. Dominguez:** The floor is yours.

**Mr. Lanfrit:** Thank you. Mr. Hoff, you're the owner of the subject property?

**Mr. Hoff:** Yes, myself and my mother.

**Mr. Lanfrit:** Okay. And when did you purchase the property?

**Mr. Hoff:** In October 2013.

**Mr. Lanfrit:** And what is located on the property at the present time?

**Mr. Hoff:** At the present time it's just currently a warehouse for supplies for our other properties in the New Brunswick area.

**Mr. Lanfrit:** You own other residential properties in the City of New Brunswick, which you rent and manage?

**Mr. Hoff:** That's correct.

**Mr. Lanfrit:** Approximately how many other units do you have in the city?

**Mr. Hoff:** About five other buildings. 19 other total units.

**Mr. Lanfrit:** Okay. And this warehouse, what do you keep in it at the present time?

**Mr. Hoff:** So, things like washer/dryers, furniture. If anything breaks down in other units we use that as, like, a resupply warehouse to fix things.

**Mr. Lanfrit:** Okay. And when you purchased the property in 2013 and looked at it before you took title to the property, do you know what it was used for before you purchased the property?

**Mr. Hoff:** I believe it has a very historic use of a horse riding for the City of New Brunswick, a carriage house, in other words.

**Mr. Lanfrit:** Okay. And that was in the early 1900's, correct?

**Mr. Hoff:** Yes.

**Mr. Lanfrit:** And before you bought it, do you know what the prior owner did with the property?

Mr. Hoff: Yes. They ran a plumbing company. The front of the building was used as office space for their plumbing company and then the back was just used as a storage for plumbing equipment.

Mr. Lanfrit: Okay. And at the present time your use is, or your use of the building, is for personal - your business use; it is not rented out to a third-party?

Mr. Hoff: That's correct, yeah.

Mr. Lanfrit: Okay.

Mr. Hoff: Personal use.

Mr. Lanfrit: Thank you. I have no further questions for this witness.

Mr. Hoff: Thank you.

Mr. Cox: Any members of the board or professionals have any questions for this witness? Seeing none, please go to your next witness.

Mr. Lanfrit: Ms. Sheffmaker.

Ms. Sheffmaker: Hello. Can you hear me okay?

Mr. Cox: Yes, we can. We're just going to wait for Dan to swear you in.

*Ms. Susan Sheffmaker, sworn.*

Mr. Dominguez: The floor is yours.

Mr. Cox: Mr. Lanfrit, let me just skip over you a little bit and make it go quicker. Ms. Sheffmaker, have your credentials changed at all since the last time you were before this board?

Ms. Sheffmaker: They have not. They remain.

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

Ms. Sheffmaker: Thank you.

Mr. Cox: Thank you.

Mr. Lanfrit: Dan, do we have her exhibits that are available for the board to look at? If not, I can proceed without them. Susan, while Dan is bringing up the reports, you are familiar with the subject property?

Ms. Sheffmaker: Yes, I am.

Mr. Cox: And you have visited the property on numerous occasions?

Ms. Sheffmaker: Yes.

Mr. Lanfrit: And can you briefly describe the current condition of the property?

**Ms. Sheffmaker:** It's a brick and block structure. It's in fairly good shape. The front is two rooms in the brick section that are accessed off of the driveway. And those rooms appear to be storage and there's a loft storage space above each. As you go to the central space it's a large warehouse with the mezzanine above and a small office in the front of that. In the back there's another warehouse space with an overhead door leading to it. And that's in the rear brick section. The mezzanine upstairs is open to below.

**Mr. Dominguez:** I was muted and couldn't unmute myself in my weird state. I have it up, and I'm sharing my page. And I just, Ms. Hoff, if you can let me know which items - I'm sorry, Ms. Sheffmaker, whatever you want I will put up.

**Mr. Lanfrit:** If we can find the architectural plans, look for them.

**Mr. Dominguez:** Dated June 8th?

**Mr. Lanfrit:** The most recent ones. I think they were June 8th.

**Mr. Dominguez:** Okay.

**Ms. Sheffmaker:** June 8th. Z-2 is the plans. That's the elevations.

**Mr. Dominguez:** Okay, Z-2.

**Mr. Lanfrit:** Okay, Susan, while he's getting that up - thank you. We can sort of work with that, I think, for now. Susan, when you went to the building and looked at it could you tell whether the building was built all at one time or was it built piecemeal over time?

**Ms. Sheffmaker:** It's a solid unified structure, but the central part is concrete block and the front and rear are brick. So, I mean it seems to be one unified structure at this time.

**Mr. Lanfrit:** Okay. And do you believe or do you know whether it was all constructed at one time or do you think it was all constructed piecemeal?

**Ms. Sheffmaker:** I don't know.

**Mr. Lanfrit:** Okay. The exhibit that is before you right now that is up shows the existing conditions. As I indicated to the board, we are here to seek approval to convert the existing building into four apartments. If Dan can scroll down, Susan can take the board through the first and second floor and indicate how the apartments will lay out.

**Ms. Sheffmaker:** Sure. Okay, so at the first floor there is a walkway that runs along what would be the right side of the property, which is now facing towards the bottom of the screen. And there are three entrances. The first entrance leads to the first floor front unit. The second entrance goes to the second floor for the upstairs two units. And the third entrance goes to the rear first floor unit. Each unit has three bedrooms and five person occupancy. So, each one has a two 2-bedroom and 1 person - 1-bedroom with a 1-person occupancy. And then we have two bathrooms in each unit. And then the living areas are an open plan, so they're living room, kitchen, dining room. And in the rear units there is a den space that also faces the side yard.

**Mr. Lanfrit:** And how do the upstairs units look?

**Ms. Sheffmaker:** They're identical to the first floor predominantly, except that you have a stair coming up the side. So, the entrance comes into each apartment from further over in the - in the building.

**Mr. Lanfrit:** And what are the approximate sizes of the units?

**Ms. Sheffmaker:** I can get that for you. So, they range from the smallest being gross, the gross square footage being 1,066 square feet. And Apartment 4 is 1,158 square feet.

**Mr. Lanfrit:** Okay. And all of the improvements within the building, we're not changing the footprint of the building itself; they're all going to be made within the existing confines of the building, correct?

**Ms. Sheffmaker:** Correct.

**Mr. Lanfrit:** If we can look at the elevations so we can show the board what changes we are making to the building. Dan, I think if you can scroll down...

**Ms. Sheffmaker:** We need to go to the other sheet.

**Mr. Dominguez:** Z-1.

**Mr. Lanfrit:** Yeah, I think that one. If we can flip it, it would be nice. If we can't...

**Mr. Dominguez:** I'm trying to see. I've been Googling how to flip the screen.

**Mr. Lanfrit:** Or we can teach the members how to tilt their heads. All right. While Dan is trying to tilt the screen, let's talk about the front elevation and what the building looks like today as it faces Redmond Street and then what we are proposing.

**Ms. Sheffmaker:** Sure. The front of the building currently is a solid brick facade at the further - closest to the street. And the recessed area is an overhead door with concrete block above. And what we're planning on doing at that facade is inserting residential-sized windows and eliminating the overhead door and then in-filling that section and adding windows there, and also covering over all of the concrete block with a Hardie board siding or a similar siding.

**Mr. Lanfrit:** Then if we look at the screen, to the left that would be the right side of the property as you're looking at the property from Redmond Street?

**Ms. Sheffmaker:** Correct.

**Mr. Lanfrit:** Okay. And can you indicate what the building looks like today and what changes we are making to the building?

**Ms. Sheffmaker:** Sure. So, the front portion is brick and the rear portion is brick, existing. And the whole center section is currently concrete block. So we are, again, keeping the brick and inserting windows where needed at the bedrooms and kitchens. And then the center space over the block will become a Hardie board siding, you know, or something similar. And then we are adding three porch roofs over the entry with steps and a patio. And we could - I know there was a

comment about accessibility, we can certainly put a ramp leading up that walkway, which would then make that third ground-floor unit accessible.

**Mr. Lanfrit:** And then taking the board around to the rear of the building, is the building today at the rear a solid brick wall again?

**Ms. Sheffmaker:** Yes, the rear is currently brick. Both the rear and the left side because of the proximity to the property line, we can't get operable windows on those facades. But what we can do is put in glass block or a fire-rated block for light, for lighting.

**Mr. Lanfrit:** Okay. And then going finally to the left side of the building, as you're looking at the property from Redmond Street, which is shown on the top of this exhibit, again take the board through what's there now and what we're proposing.

**Ms. Sheffmaker:** Sure. Similarly, to the opposite side there it's brick in the front and brick in the rear with the concrete block in the center. And we are putting the siding, the Hardie board siding, across the center portion and leaving the brick at the front and the rear, and inserting the windows. And then along the base, as with the other side, we're going to add a brick or a stone facing to dress up the bottom edge of it.

**Mr. Lanfrit:** Are we proposing any lighting on the building?

**Ms. Sheffmaker:** Yes, we have lighting at the front and over the side entry doors.

**Mr. Lanfrit:** Thank you. I have no further questions.

**Mr. Cox:** Does any member of the board have any questions for this witness?

**Mr. Dominguez:** I'm unmuting everyone.

**Mr. Cox:** I just saw that. Any member of the board or board staff have a question for this witness? Seeing none, I guess we can go to the next witness.

**Mr. Lanfrit:** Are you on video, Mr. Pelikan?

**Douglas Pelikan (Applicant's Civil and Architectural Engineer):** Can be.

**Mr. Lanfrit:** Need to be.

**Mr. Pelikan:** Here we are.

*Mr. Douglas Pelikan, P.E., sworn.*

**Mr. Dominguez:** Floor is yours.

**Mr. Lanfrit:** All right. Mr. Pelikan, what is your occupation?

**Mr. Pelikan:** Civil and architectural engineer.

**Mr. Lanfrit:** And you're licensed in the State of New Jersey?

Mr. Pelikan: Yes, I am.

Mr. Lanfrit: And how long have you been so licensed?

Mr. Pelikan: About 40 years.

Mr. Lanfrit: And you have testified before planning boards and zoning boards in the State of New Jersey before this evening on numerous occasions, I presume?

Mr. Pelikan: Yes, sir.

Mr. Lanfrit: Okay. I would offer the testimony of Mr. Pelikan as a licensed, engineer, Mr. Chairman.

Mr. Cox: We will accept him as a licensed engineer.

Mr. Lanfrit: Now, Mr. Pelikan, we're going to be putting up some exhibits, which were the plans that were submitted in conjunction with this application. Now these plans were not prepared by you, is that correct?

Mr. Pelikan: That's correct.

Mr. Lanfrit: They were prepared by Mr. Gazzale from Fisk Associates; is that correct?

Mr. Pelikan: That's correct.

Mr. Lanfrit: And Mr. Gazzale has since retired and you have taken over this project and have reviewed the plans that are before the board this evening, is that correct?

Mr. Pelikan: Yes, sir.

Mr. Lanfrit: Can we bring up the site plan, please?

Mr. Dominguez: I may have missed it, but did the board accept him as a...

Mr. Cox: Yes, I did.

Mr. Dominguez: Sorry. I was looking over here to get the items ready. So, engineering plans, correct?

Mr. Lanfrit: Yes.

Mr. Dominguez: Give me one second to share my screen again. All right. Which items would you like me to pull up?

Mr. Lanfrit: I think we're probably going to go to Sheet 1 of 3. I think that's probably all we will need. That works. That's perfect. Thank you. Mr. Pelikan, first of all, you heard my opening comments where I reviewed all of the variances that are either A, existing conditions, or B, that are proposed as a result of this application, did you not?

Mr. Pelikan: Yes, sir, I did.

**Mr. Lanfrit:** And did I accurately represent all of the variances that we would - that either exist or that we are seeking?

**Mr. Pelikan:** Yes, that conforms to the plans.

**Mr. Lanfrit:** Very briefly describe to the board what is the existing conditions on that property.

**Mr. Pelikan:** The existing conditions is the one warehouse building. And about half of the property is grass.

**Mr. Lanfrit:** So, you've got a building and you've got grass and that's it. No landscaping, no trees, nothing?

**Mr. Pelikan:** Apparently not.

**Mr. Lanfrit:** Okay. Now, can you indicate what site improvements we are proposing in conjunction with this application?

**Mr. Pelikan:** Well, in the front of the building, being that it actually fronts the zero setback, to the left is an existing paved driveway, which will be removed and replaced. And to the right, up against the sidewalk, will be new asphalt parking area for two cars. And then as you move back from the - towards the back of the lot then along the front of the building is going to be plantings, new sidewalk and entrance - and entrances to the apartments. Right in front of the parking area is going to be the recycling and disposal area contained. And at the rear of the lot there is going to be a proposed dry well for excess runoff from the building.

**Mr. Lanfrit:** Okay. So, is there any stormwater management that currently exists on the site?

**Mr. Pelikan:** No, sir, it's devoid of stormwater management.

**Mr. Lanfrit:** Okay. And what is the purpose of the dry well that we're proposing?

**Mr. Pelikan:** Well, we're adding about 6 or 800 square feet of impervious surface. So, the purpose of the dry well is to mitigate that additional impervious by taking the water from the roof of the building and - and dumping it into the dry well, which will then percolate into the ground rather than just running off to somebody else's property or the street.

**Mr. Lanfrit:** So, as a result of the proposed dry well we're actually going to make any potential or any problem that may exist with respect to runoff better than it currently exists today. Is that correct?

**Mr. Pelikan:** Yes, that would be the purpose of it.

**Mr. Lanfrit:** And just for the record, all the little circles that are on the plan, those are all landscaping features that we're proposing in conjunction with this application?

**Mr. Pelikan:** Yes. The circles with the gray would be plants. Little circles would be trash cans that are inside the -

**Mr. Lanfrit:** Container?

Mr. Pelikan: - trash area. And there's a big square in the back with the proposed dry well, that would be the area of the dry well.

Mr. Lanfrit: Okay. And the dry well is in the ground, underground, correct?

Mr. Pelikan: Yes, sir. It's covered with grass so you really won't see it. There will only be one access part so you can maintain it.

Mr. Lanfrit: And so, if this project were approved, the grass area to the rear of where the garbage containers are and where the dry well is, is a grassed area that can be used and enjoyed by residences. Is that correct?

Mr. Pelikan: Exactly.

Mr. Lanfrit: Are we proposing any lighting for the parking areas?

Mr. Pelikan: Yeah, there is lighting proposed, mounted on the building.

Mr. Lanfrit: That will shine on both parking lots?

Mr. Pelikan: Yes, sir.

Mr. Lanfrit: Okay. Now you've had an opportunity to review the reports that were generated by D&R Engineering and also by Bignell Planning Consultants. D&R's was September 24, 2020 and Bignell's was September 21, correct?

Mr. Pelikan: Right. Yes.

Mr. Lanfrit: And there were, quite frankly, not many comments that need to be addressed. But you reviewed them and to the extent there are some comments or requests, can we address all of the comments that were requested by the city's professionals?

Mr. Pelikan: Yeah, I don't see any problem with it.

Mr. Lanfrit: And in addressing any of those comments will they, in any way, substantially alter what the board is looking at this evening, or are they just small, technical comments?

Mr. Pelikan: No, you wouldn't be able to see any of the changes that may become necessary.

Mr. Lanfrit: Okay. Thank you. I have no further questions of this witness.

Mr. Cox: Any member of the board or board professionals have questions for this witness?

Charlies Carley (Board Engineer): Mr. Chair?

Mr. Cox: Yes. Go ahead.

Mr. Carley: This is Charlie Carley, the board engineer. Mr. Pelikan's testimony was spot on. This application has had the benefit of, oh boy, probably a year and a half of review. Our September

24th review was our fourth review. And over that time, the site issues have been refined. So, you know, what you have before you is what you have before you. Thank you.

Mr. Cox: Thank you. Any other board professional or board member have any questions or comments for this witness? Seeing none, we'll go on to your next witness, Mr. Lanfrit.

Mr. Lanfrit: Mr. O'Brien.

Kevin O'Brien (Applicant's Planner): Good evening, Mr. Lanfrit. Dan, can you hear me?

Mr. Dominguez: I was muted. Mr. O'Brien, spell your name for the record.

Mr. O'Brien: Yes, Dan, can you hear me?

Mr. Dominguez: Yes, I can.

Mr. O'Brien: Kevin O'Brien, O-B-R-I-E-N. My address is Madison House, Suite B, Madison Avenue in Rahway, New Jersey.

*Mr. Kevin O'Brien, P.P., sworn*

Mr. Dominguez: The floor is yours. Mr. O'Brien, you testified last month before this board?

Mr. O'Brien: Yes, I did.

Mr. Dominguez: And you were qualified as a licensed professional planner?

Mr. O'Brien: I was, indeed.

Mr. Dominguez: And you're still a licensed professional planner?

Mr. O'Brien: There has been no change in my status, which is a clean license. Thank you.

Mr. Lanfrit: I would offer the testimony of Mr. O'Brien as a professional planner.

Mr. Cox: We will accept him as a professional planner.

Mr. Lanfrit: Thank you, Mr. Chairman.

Mr. Cox: You're welcome.

Mr. Lanfrit: Mr. O'Brien, are you familiar with this application?

Mr. O'Brien: Yes, I am.

Mr. Lanfrit: Are you familiar with the property itself and have you visited the property and the surrounding neighborhood?

Mr. O'Brien: Yes, I have.

**Mr. Lanfrit:** And are you also familiar with the zoning ordinance and the Master Plan of the City of New Brunswick?

**Mr. O'Brien:** Yes, I am.

**Mr. Lanfrit:** Can you tell the board why we are here this evening?

**Mr. O'Brien:** The application before you requires two "d" use variances, as well as a number of "c" variances. The first "d" variance is a d(1), which is for a non-conforming use in a zone. And the non-conformity that is being proposed here is a multi-family dwelling. In addition to that, we are seeking a d(4), floor area ratio Use Variance, which requires a Use Variance just like a d(1) and approval by 5 of 7 members of the board. In addition to that, we are looking for parking and buffer variances, as well as a number of preexisting bulk conditions of lot area, width and setbacks that counsel has enunciated previously this evening.

**Mr. Lanfrit:** Now, can you describe the subject property and its current state and also describe the neighborhood?

**Mr. O'Brien:** Yes. Thank you. The existing building is quite unique. I'm sure board members were taken by it when they went by to take a look at it. We believe that it was built around 1900 for use as a horse stable in the city. The rear building was added later. The building had been used as a warehouse for plumbing equipment and an office prior to the current owner. And as the current owner has pointed out, it is currently being used for appliance storage for other buildings that the applicant owns. The existing building is quite unique with a very distinctive personality. The proposed home is in a neighborhood of many types of uses: single- and two-family homes, commercial uses, multi-family buildings and large apartment buildings. On the block defined by Redmond, Throop, Townsend and Remsen, there are 38 properties all together. And this includes both sides of Redmond. And of those of 38 properties, 16 are multi-families or 42 percent of all properties. The proposed use does conform to the character of the neighborhood. This represents an adaptive reuse of a very old, structurally sound building with residences. The existing non-conforming storage or warehouse use will disappear and be replaced by residential, which is in closer conformity with the residential zone. The building will be reconstructed with a residential appearance facing Redmond Street, along with entrances and parking. Stormwater will also be provided here which - which I doubt any property on this block currently provides, but I would say, in my professional opinion, very few if any. This building is also going to be providing three parking spaces. Taking a look at the aerial view from Google Earth, you can see there's very little parking on this block on property. There's a lot of street parking, but this is going to be one of the few buildings that will actually provide off-street parking. There is a bus stop a half block away and the train station is about 3,000 feet away, a little more than half a mile. If this were to be converted into a conforming one- or two-family, a two-family of perhaps four bedrooms can be located here and meet the ordinance, but our client decided that this was really not the way they wanted to go. Four-bedroom units typically are rented to non-family units. Unrelated folks could get into a dwelling unit such as that. Whereas a three-bedroom unit is one that is typical for a growing family. We believe the three-bedroom units are a better alternative, particularly for families with one or two children, or a small family using a bedroom as a home office during these unusual days of Zoom and distance learning.

**Mr. Lanfrit:** Does the zoning ordinance or - I'm sorry, does the Master Plan give the board any guidance on this application?

**Mr. O'Brien:** Yes. The 2012 Re-examination amongst its goals listed on Page 13 states, Number 2: Provision of unique, attractive and high-quality residential areas that attract new residents with a wide range of housing and lifestyle choices. Item 3: Increased residential land usage through in-fill at housing densities and types appropriate to the character of the existing neighborhoods. And last on - in Part D on Page 57, there's a statement among specific changes recommended: There should be a variety of housing choices that address neighborhood housing needs. And further stating: New Brunswick should create mixed-use residential neighborhoods that provide convenient, functional and attractive housing at a variety of price points. And I believe this application supports these goals by improving and adaptively reusing a very old building, that is certainly in character with the neighborhood. It's been there a very, very long time. And folks see this as part of the background in this neighborhood. It will improve this building and provide a convenient, functional and attractive mixed-use building in a location near schools, employment, transit and services.

**Mr. Lanfrit:** Mr. O'Brien, does the Municipal Land Use Law give the board any guidance on this application?

**Mr. O'Brien:** Yes, there are several items that are listed in the Municipal Land Use Law, Section 40:52-55D-2, where the purposes of zoning are listed: Item A. Encourage municipal action to guide the appropriate use or development of all lands in this state in a manner which will promote the public health, safety, morals and general welfare; Item B. To secure safety; Item G. To provide sufficient space and appropriate locations for a variety of residential uses; And I. Promote a desirable visual environment. And I believe this application is consistent with those passages by providing for a safe - meaning up-to-date in terms of code - mixed-use building in a neighborhood that is convenient to city amenities.

**Mr. Lanfrit:** Now, we are also seeking some bulk variances. Can you review those and opine as to those for the board?

**Mr. O'Brien:** Yes, of course. The driveway curb cut setback is required to be ten feet to the property line and this is less than that. The parking area setback is required to be five feet from the property line and provided is three. In both of these cases, we are providing parking, which very few properties on this street have. And I believe that the benefits of providing that parking are - certainly outweigh any detriments. In terms of the foundation plantings, we are providing plantings around the base, not of the entire building, but of most of the building. The buffers, we're required to have a buffer of 5 to 10 feet. And we are providing three feet from the driveway to the west property line. A screening, we're not providing parking screening. And, I believe, that - the advantages of providing a parking area. The other improvements, such as the refuse area, the stormwater management system, are certainly advantages that outweigh any detriments.

**Mr. Lanfrit:** Okay. And, in your opinion, is there any negative impact in granting these "c" variances?

**Mr. O'Brien:** I cannot identify any negative impacts. The use is compatible with the surrounding neighborhood. The non-conforming bulk standards are actually much larger than on most of the properties on Throop. The requirement for this particular area is that 8,000 square feet of lot area is required. We're providing 5,500. And in the board's review of the site plan, I'm sure you saw that this is one of the largest properties on the block, meaning that the other properties on the block are non-conforming in terms of size. So, I believe that this use is compatible with the surrounding neighborhood, particularly in terms of lot area, lot frontage, and being larger than the others

provided in this area. And I believe this application is going to be a positive for the neighborhood by providing housing and off-street parking and stormwater management.

Mr. Lanfrit: Thank you, Mr. O'Brien. I have no further questions.

Mr. Cox: Does any member of the board or board professional have any questions or comments for this witness?

Ms. Coppola: Hi, John. This is Nancy.

Mr. Cox: Sure, Nancy. Go ahead.

Ms. Coppola: I have one question. How many parking spaces are being provided for this area for this -

Mr. Lanfrit: Three parking spaces.

Ms. Coppola: And what would be the requirement?

Mr. Lanfrit: Eight.

Mr. Cox: Eight spaces.

Ms. Coppola: And how many total people? I think that you said five per unit, is that correct?

Mr. Lanfrit: That is correct. That's based on the three bedrooms and the size of the three bedrooms, it would be five people per unit.

Ms. Coppola: Okay. And is this the residential parking area?

Mr. O'Brien: Yes.

Ms. Coppola: So, you need a permit to park on the street?

Mr. O'Brien: Oh, I'm sorry. I thought you were talking about the driveways. I'm not sure about the -

Mr. Domínguez: I don't believe so, Nancy.

Ms. Coppola: Okay. I was just curious. Okay, thank you very much.

Mr. Cox: Any other member of the board have any questions?

Todd Bletcher (Board Planner): Mr. Chairman, this is Todd Bletcher.

Mr. Cox: Sure, Todd. Go ahead.

Mr. Bletcher: Sure. I just wanted to - I think Mr. O'Brien touched on it, I just wanted to make sure that there was testimony on both the FAR violation and also the density, the proposed density of the units.

**Mr. O'Brien:** Yes, I would be happy to, Mr. Bletcher. The d(1) use variance for a non-conforming use in a zone. You're familiar with the proofs of that, the special reasons. We meet the positive criteria based on the Master Plan and the ordinance. And we meet the negative criteria. I have given testimony for the d(1) use variance. I can proceed a little further in terms of the d(4) and the d(5). According to the reference book that we all use, known as the Cox book, there is a statement on Page 752 of the current edition, "The applicant for an FAR d(4) variance must show that the site will accommodate the problems associated with a floor area larger than that permitted by the ordinance." It does go on to state later that the same standard can be applied to a density d(5) variance. And we believe that the problems associated with the floor area ratio and the density and the density are properly accommodated on this site. They are not providing anything different in terms of setback. The building exists. It's being adaptively reused. So, there's no change to the exterior of the building, to its location or in relativity to the neighborhood itself. So, I believe that it does meet the standards for d(4) and d(5). And that the site can accommodate the problems associated with the variances.

**Mr. Cox:** Thank you. Todd, do you have any other questions?

**Mr. Bletcher:** No, Mr. Chairman, not necessarily other questions, just a brief, quick comment. I think, you know, all of the testimony that has been provided speaks to all of the bulk and "d" Variances that are being proposed. I think really the planning issue before the board is going to be the question of does this site have the capacity to contain all of the uses and all of the units that are proposed or particularly with things like parking and number of units. The board can certainly have a discussion on that when it's time to deliberate, you know, if you're comfortable with the information and the testimony that is proposed, you can certainly grant those variances. If you're not comfortable with that you can certainly ask for a clearer testimony or more information. But I think it boils down to the question of does this site have the capacity to accommodate the number of units that are proposed.

**Mr. Cox:** Thank you. Any other member of the board or board professional have any questions or comments for this witness? Seeing none, Mr. Lanfrit, do you have any other witnesses?

**Mr. Lanfrit:** I have no additional witnesses.

**Mr. Cox:** All right. At this time, I would like to open it up to public comment or public questions.

**Mr. Dominguez:** All right. At this time, we're preparing to open the meeting to public comment on this specific application. In order to assure that the zoning board of adjustment can hear from the interested public, and that the public can hear public comments, I will organize the speakers in order by 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 A to provide me your last name, first name and home address. I will confirm that the information is correct, and move on to the next person alphabetically from A to Z. Upon the completion of asking for all last names from A to Z, I will ask one more time for anyone who would like 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 once again check to see if anybody else would like to comment. After asking three times I will 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 phones so we can all hear each other and begin the speaker-registration process. The phones are now unmuted and I will ask that any member of the public who would like to comment on this specific application with the last name starting with A, please state your full name and home address.

*Mr. Dominguez reads through the alphabet once; Mr. Kratovil is placed on the initial list of speakers.*

**Mr. Dominguez:** Is there anyone, besides Mr. Kratovil, who would like to be put on the initial list of speakers to comment on this application? Anyone at all? Seeing none, Mr. Kratovil, are you there?

**Mr. Kratovil:** Yes.

**Mr. Dominguez:** You're still sworn in. Your five minutes begin now.

*Mr. Charles Kratovil, previously sworn in prior application.*

**Mr. Kratovil:** Thank you, Mr. Dominguez. I'm a resident of Suydam Street, just a couple of blocks away from the site. So, I'm glad to see something happening there. I'm glad it's adaptive re-use and the building is going to stay. I did want to ask if anybody has information about the history of the mural that is on the side of it?

**Mr. Lanfrit:** Unless Mr. Hoff does, I don't. Mr. Hoff may or may not. Mr. Hoff, do you know anything about the mural?

**Mr. Hoff:** Yes. I do know about the mural. It's nice. It's changed over the years but it's - it hasn't been painted for - I think, it's been in the current shape since - for the last like, 15, 20 years. I don't know if Mr. Kratovil knows anything about it. We don't plan to paint over it, at least initially. But happy to hear comments on it.

**Mr. Kratovil:** Great. So, it's possible that it might stay?

**Mr. Hoff:** Yes.

**Mr. Kratovil:** Okay. Well, that's encouraging to hear. It definitely has been there a while and could use a touch-up. But it is, you know, a nice thing for our neighborhood and fits in pretty well with the other muraled property at the corner of Throop and Townsend. The Civic League building, of course, has a nice mural on the Townsend Street side. I would encourage you to engage with the arts community and get that to be a permanent fixture in the neighborhood and, you know, that's basically the extent of my comments tonight. I'm interested to hear what the board has to say and, you know, interested to - to maybe get to know the applicant eventually and wish you well with the project. So, thank you for answering my questions. Have a good evening.

**Mr. Hoff:** Thank you for the information, Mr. Kratovil. Appreciate it.

**Mr. Dominguez:** Thank you, Mr. Kratovil. Is there anyone else from the public who would like to comment on this application? Anyone else? Seeing none.

**Mr. Cox:** Seeing none we'll close the public portion of the meeting. Mr. Lanfrit, do you have any - do you have -

**Mr. Lanfrit:** A couple - couple comments. As Mr. Carley stated, he has done about four reviews on this. This application started in April of 2019. As I stated in my opening, this is a rather unique building, rather unique piece of property and we took great pains to try to figure out how to best develop the property. There were discussions about putting maybe more parking where the grass

area is, but that really created other problems. And we really worked hard with both Mr. Carley and Todd has given us a lot of input and guidance. The building itself is unique. We are - we tried to preserve the character of the building. And as Charlie just indicated, it is sort of unique in the neighborhood. And I think what we have done is take the building, improve it, but yet not destroy the character of the building. We are providing some parking which is, as Mr. O'Brien testified, really out of character with this neighborhood and that there isn't a lot of parking, even though there are a lot of multi-family dwellings in this neighborhood. I think what the board is looking at tonight is going to be a great improvement to the neighborhood, and yet keeping the character of the old horse stable. As far as the number of units, it really is a function of how to, you know, lay them out within the building. We're not expanding the building. We're trying to make the building work. And again, I think Ms. Sheffmaker in this case, as a result of a lot of input from staff, took great pains to try to figure out how to best break out the units and have four reasonably sized units to be used by families or, you know, couples in this neighborhood. We've had numerous iterations of this project, you know, some units being smaller, some being larger, but ultimately wound up with what's before the board. So, I think when you're balancing everything, we are making a substantial improvement to this building, but yet keeping its character and providing at least some parking for the residents. I would respectfully request that the "d" Variances be granted as well as all of the "c" Variances. And I thank the board for its time and attention.

Mr. Cox: Thank you, Mr. Lanfrit. Any board members have any comments or anything they would like to discuss before we go to ask for approval?

Ms. Coppola: So, hi, John. It's Nancy again.

Mr. Cox: Yes, Nancy. Please go ahead.

Ms. Coppola: I don't know if I missed it, but I know that, excuse me, in the beginning, I heard that the property owner has other buildings or properties in New Brunswick. So, I'm thinking that he is going to provide for garbage and things like that? Because I don't know if that was stated in the testimony.

Mr. Lanfrit: Yeah, we will provide, and the engineer indicated we have area for refuse. We will be providing garbage and all basic services for the tenants.

Ms. Coppola: Okay. Thank you.

Mr. Cox: Thanks. Any other board member have any comments, discussions, anything? Okay, seeing none. Katie, if we have a motion to approve, do you have conditions for this application, please?

*Ms. Thielman-Puniello reads the conditions of approval into the record.*

Mr. Cox: Thank you, Katie.

Mr. Dominguez: Katie, I believe Mr. Bletcher had them speak to the d(5) also.

Ms. Thielman-Puniello: Okay.

Mr. Dominguez: So, I believe that should be put on the record as well.

Ms. Thielman-Puniello: Then we will add the density, d(5) variance, yes.

Mr. Dominguez: All right. But otherwise, yeah.

Mr. Cox: All right. Do I have any motion from any board member, please?

**Motion to Approve**

I. John Zimmerman

II. Nancy Coppola

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

**VII. DISCUSSION ITEMS**

**A. CHANGES TO BOARD RULES REGARDING PUBLIC COMMENT AND INTERACTION**

**Motion to Carry**

I. Nancy Coppola

II. John Cox

*Approved by voice vote of the Board. Carried to November Zoning Board meeting.*

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

**Mr. Dominguez:** At this time, we're preparing to open the meeting to general public comment for five minutes per person. In order to assure that the zoning board of adjustment can hear from the interested public, and that the public can hear public comments, I will organize the speakers in order by 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 A to provide me your last name, first name and home address. I will confirm that the information is correct, and move on to the next person alphabetically from A to Z. Upon the completion of asking for all last names from A to Z, I will ask one more time for anyone who would like 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 once again check to see if anybody else would like to comment. After asking three times, I will 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 phones so we can all hear each other and begin the speaker-registration process. The phones are now unmuted and I will ask that any member of the public who would like to comment on this specific application with the last name starting with A, please state your full name and home address.

**Mr. Aithal:** If I may recommend, based on the number of people we have, just open it up.

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

**Mr. Kratovil:** I just wanted to follow up on my message I left for the Board Secretary Mr. Dominguez, the application for the parking deck and power plant for the cancer institute, has that been received by the Planning Department yet?

**Mr. Dominguez:** I am not yet in receipt of the revised plans.

**Mr. Kratovil:** Can you let me know when they come in?

**Mr. Dominguez:** I will send you an email and they will go up on the website.

**Mr. Kratovil:** That's all I have for tonight.

**Ms. Coppola:** That has nothing to do with the Zoning Board, does it? What Mr. Kratovil just asked you?

**Mr. Dominguez:** It does not.

**Ms. Coppola:** Just wanted to make sure I didn't miss something.

## IX. ADJOURNMENT