



CITY OF NEW BRUNSWICK
PLANNING BOARD
NOVEMBER 12, 2020
MINUTES

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

I. ROLL CALL

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

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 Planning 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 and special meeting 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 of the lobby of 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.

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 Planning 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-in system or video. The public is encouraged to call in to the conference call or video system 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 windows. 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 Planning 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 written comments issued to the Board and 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 Planning Department at 732-745-5050.

III. SALUTE TO THE FLAG

IV. MINUTES

V. RESOLUTIONS OF MEMORIALIZATION

A. 760 NEW BRUNSWICK URBAN RENEWAL LIMITED LIABILITY COMPANY / 780 JERSEY AVENUE / BLOCK 598, LOTS 2 & 3.06 (PB-2020-05)

Motion to Approve

I. Bob Cartica

II. Chris Stellatella

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)		
George Chedid		
John Petrolino		
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)		
Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

B. 30 VAN DYKE URBAN RENEWAL, LLC / 30 & 40 VAN DYKE AVENUE / BLOCK 596.01, LOT 16.03 (PB-2020-04)

Motion to Approve

I. Chris Stellatella

II. Yelitssa Checo

	Yes	No
Jeff Crum (Chairperson)	X	

Manuel Castaneda (Vice Chairperson)	X	
George Chedid		
John Petrolino		
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)		
Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)		
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	X	

VI. PUBLIC HEARINGS

- A. THE STATE THEATRE REGIONAL ARTS CENTER AT NEW BRUNSWICK, INC. / 15 LIVINGSTON AVENUE / BLOCK 12, LOT 24.01 (PB-2020-14)**
 Variance application for proposed blade and canopy signage on the Livingston Avenue façade of the existing State Theatre building. Zoning district C-4 Downtown Commercial/Office. (*James F. Clarkin III, Esq.*)

Aravind Aithal (Board Attorney): Mr. Chairman, if I may, before Mr. Clarkin starts, if I could just confirm that no member of the Board believes that they have any conflict with this application.

Jeff Crum (Board Chairperson): You just want anyone to speak up if they believe they have a conflict?

Mr. Aithal: That's correct, no one's contacted me with any potential conflict, but I just want to verify that there is no one that believes they have a conflict with this application.

Mr. Crum: Hearing no one, I think we have our response.

Mr. Jim Clarkin (Applicant's Attorney): Good evening Mr. Chairman, Board members and professional staff, attorney Jim Clarkin of the firm Clarkin and Vignuolo for the applicant. This is an application for a number of sign variances in connection with the renovation and modernization of the State Theatre structure, which is now almost 100 years old, and I will happily say remains iconic for the city. We were previously in front of the Technical Advisory Committee back at the end of September, and they've approved the State Theatre's minor site plan application for both interior and exterior modifications, including such things as a new generator, the emergency escapes and matters of that kind. At that point in time, it was determined that the State Theatre signage package required variance relief and that is why we are before you this evening. What we have is the theater's request, first and foremost, for one of those old fashioned blade signs. Those of us old enough to remember, know that these types of signs were prevalent, beginning when theaters started and remained so in the 50s and 60s and even beyond.

I actually can remember as a kid going to the State Theatre in 1960 and seeing a very similar sign to what we are proposing tonight, and I say that only because I want you to realize that what we're proposing is not new for the State Theatre property. We need the variances because the city sign ordinance, like most sign ordinances, isn't really specific enough for the kind of unique building that a theater is. So, the city never drilled down on the sign variances and that's why we need a number of those variances. For example, on the blade sign, we need height, area, believe it or not, thickness, the projection over the top of the roof line, and illumination, those are the major ones. We're also proposing a canopy sign to the left side of the

building facing Livingston Avenue. It's rather small. It's only seven square feet, but it's a sign and it requires some relief. The final major variance is the number of what we call facade signs. Right, because we're going to have the blade sign, we're going to have the canopy sign and we will continue with our marquee sign, which everyone knows. Importantly to consider, no modification, no exterior improvements are connected in any way with the sign application. We are in receipt of a memorandum for the Technical Advisory Committee dated November 9 of this year. We started with six planning review comments, we've resolved three of them and we have three left and we will handle them individually with our witness. We have two witnesses this evening for you. The first one is Christian Roche, who is our engineer. He will testify with regard to the sign package. You also have our planner to testify, who will justify the granting of the variances. We also have available Sara Chaplin, who's the president and CEO, of the State Theatre in case there are questions that only she can answer. Mr. Chairman, having said all of that, unless you or any of the Board members have any initial questions, I'll move to the first witness.

Mr. Crum: That would be great, Mr. Clarkin, please do.

Mr. Christian Roche, sworn

Mr. Clarkin: Thank you. Could you can you take the Board quickly through your credentials?

Mr. Crum: We know Mr. Roche very, very well. I think he's been here, I feel like almost every meeting, so we are well versed in your credentials, you may proceed.

Mr. Clarkin: Mr. Roche, have your credentials changed negatively since you've last been before this Board until about 1:15 in the morning?

Mr. Christian Roche (Applicant's Engineer): I'm just a little tired but, no, my credentials have not changed.

Mr. Clarkin: Thank you very much. Are you familiar with the architectural elevations and the floor plans for the signature package that were prepared by DLR group?

Mr. Roche: Yes, I'm familiar with the sign package.

Mr. Clarkin: Please outline the sign package for the Board.

Mr. Roche: Sure, so As Mr. Clarkin described in his introduction, the applicant is here tonight proposing three signs. The first is a blade sign, which will be located directly over top of the existing marquee in the central portion of the site along Livingston Avenue. The second sign is a canopy sign, which will be located over a new entryway on the south side of the State Theatre. And lastly, we're proposing to keep the existing marquee.

Mr. Clarkin: Are there any changes proposed to the building footprint as part of this application?

Mr. Roche: There are not.

Mr. Clarkin: Okay. Have you had the opportunity to review the city planner's report dated November 9 of this year?

Mr. Roche: I have.

Mr. Clarkin: And moving to the plan review comments, in the first item, item number four.

Mr. Roche: One sec Jim, as I just pull up the letter. Sure, so item number four, it just discussed Section 17.06.050.L.4 of the zoning ordinance, where the requirement is stated that projecting signs shall not be closer than 15 feet to any other projecting sign or any freestanding sign, or they should not be any closer to five feet from any interior property lines, and our proposed blade sign meets these requirements, the blade signs located approximately 45 feet from the nearest property line, and there's no other projecting sign within 15 feet of the proposed sign.

Mr. Clarkin: Mr. Chairman, I'll tackle item number five. I will represent to you that if this application is approved by your Board this evening, that I will contact city attorney T.K. Shamy and request that he put before the City Council a resolution permitting the projection into the City's right-of-way. And finally, with regard to item number six, we will provide testimony with my next witness with regard to the variances and the criteria necessary to grant that those variances. That concludes his direct testimony. He's available for any questions you may have.

Mr. Crum: Thank you, Mr. Clarkin and Mr. Roche. Do we have any questions for the professional or the attorney on his representation on the report? Mr. Clarkin, I think you can move on.

Mr. Aithal: Mr. Chairman, this is the Board Attorney. Prior to moving to witness, the Board can ask members of the public if they have any questions. Our rules which were adopted earlier this month require that cross examination be conducted after each witness.

Mr. Crum: Okay. Thank you for that clarification.

Mr. Dominguez: At this time, we are preparing to open the meeting to cross examination of the prior witness for five minutes per person. In order to assure that the Planning Board can hear from the interested public and the public can hear the cross examination, I will organize any speakers in order by last name. In a moment the public will be allowed to unmute themselves. At that time, I will ask that those with the last name starting with A to provide me your last name, first name and home address. I will confirm the information is correct, then move on to the next person alphabetically from A to Z. On 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'll 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, we will then close the cross examination portion. Please be mindful that your voice is being telephonically transmitted, speak slowly and clearly for the benefit of all. I will ask that you please remain silent while folks are being unmuted so we can all hear each other and begin the speaker registration process. Once again, if you are on a telephone rather than on computer, you'll need to use star six to unmute yourself and then star six to re-mute yourself. And so now I will begin taking names for anyone who would like to be registered to speak here to cross examine Mr. Roche.

Mr. Dominguez reads through the alphabet. There are no speakers who wish to cross examine Mr. Roche.

Mr. Gregory Woodruff, sworn

Mr. Clarkin: Greg, can you give the Board the benefit of your education and experience?

Mr. Woodruff: Certainly, I am an associate at Langan Engineering and Environmental Services. I am a licensed planner, nationally through the American Institute of Certified Planners, as well as in the state of New Jersey. I -

Mr. Crum: You're also well known for professional here. So, thank you. And we'll accept you.

Mr. Woodruff: Thank you very much. I have appeared before this Board before. So, thank you very much.

Mr. Clarkin: Right, what did you undertake in preparation for your testimony?

Mr. Woodruff: Certainly. So, obviously, as with any planning investigation, reviewed the relevant sections of the city's zoning ordinances, the application documents, the master plan, visited the site and the surrounding area, and generally familiarize myself with existing conditions as well as the proposal documents.

Mr. Clarkin: What proof requirements do we have to meet?

Mr. Woodruff: Certainly, so as the Board's aware, what we're requesting are bulk variances. As we get into the justifications, typically, the criteria fall under the c(1) requirements or the c(2) requirements. I'll provide some more detail as we go. But in my opinion, the justifications for all of the variances that are being requested really fall under the c(2) criteria, which really the proof standard is, again, as the Board is aware, but just for the sake of record, really is a balancing test whereby the benefits that would be realized with the variances that are being requested, outweigh any detriments or perceived detriments that might result from not complying

Mr. Clarkin: So, exactly what variance relief do we require?

Mr. Woodruff: Certainly, so I'm just going to run through here and they are listed in the planner's letter. So, there are, just give me a second, I'm pulling up the planner's letter here to make sure that we cover all of them. So as mentioned, first, the number of signs we are proposing three, whereby one is permitted. The projecting sign area, six square feet is permitted, we are proposing a little less than 214 square feet, the awning sign area 70%, of the valance area is permitted, whereby it's being proposed to be 100% of the valance area. As Mr. Clarkin had mentioned in his introduction, there is a requirement for the allowable thickness of the sign of eight inches, we are proposing requesting 18 inches, no internal illumination is allowed. However, we are requesting that the sign include illumination. Technically signs shall not project more than three and a half feet into the public right-of-way, whereby the projection is proposed at greater than that, at about seven and a half feet. There's a requirement that the sign not project above the eave or a similar structure on the building. However, in this case, we are requesting that the blade sign would extend above the parapet by approximately eight feet. And then there's two other variances that we're requesting that I did I'm not certain were picked up, but I think out of an abundance of caution, we'd like to identify them. And I will testify to them and if the Board agrees or has no questions, I think just again out of an abundance of caution we'd like to identify them. So relative to, there are some requirements for awning signs. It's listed I think as other awning sign requirements, whereby the logo is permitted to have a maximum of four square feet, whereby we have a logo that has slightly more than that at a little over five square feet. And that backlit awning signs are prohibited. However, the sign would have LED illumination. So again, just out of an abundance of caution, we wanted to identify those.

Mr. Clarkin: To provide some context for the Board, what is the height of the blade sign?

Mr. Woodruff: And actually, I don't know if Mr. Dominguez has the ability, but if we wanted to pull up the architectural plan that had the renderings, maybe it's good to have that visual in front of everyone, as we are discussing the signs. And that sign, just to answer the question, is 31 feet high and seven feet wide.

Mr. Dominguez: All right, I'm going to share my screen. Let me know if this is the correct item. Is this what we want to look at?

Mr. Woodruff: Oh, yeah. Okay. Yeah, I think I think that's the best image. I may toggle back and forth between this is the first page on the second page.

Mr. Clarkin: Can you justify the granting of these variances?

Mr. Woodruff: Certainly, so just to point out as we're looking at the rendering here and just harkening back to the discussion we had relative to the signs and the criteria, in my opinion, there are definitely benefits. And I'm going to talk about the signage package as a group, but I don't intend to go through them one by one. In the interest of time, if anybody has specific questions, obviously we could address individual variances, but as a package, in my opinion from a planning perspective, as Mr. Clarkin mentioned, you know, the entire intention of the signage package is to pay homage to the historical character of the previous blade sign and, you can go to page two, you know keeping this image on page one in mind, on page two in that lower right hand corner there, you can see the historical blade signs so, you know, just comparing those images, the entire intent of the signage package is to pay homage to that historical blade sign, while also reinvigorating what everyone obviously knows is an iconic downtown building. So, thinking about that original intent, and with the current modern surroundings, clearly the new modern Performing Arts Center is immediately adjacent. It's a large building with quite a bit of mass and across the street is obviously the Heldrich Hotel, again, another building with large mass. So, from a planning perspective, the size and scale of the signs, even though there are some issues relative to the projection, the size of the sign, extending above the top of the building, in my opinion from a planning perspective provides the benefit of reinvigorating that existing iconic downtown building, while also paying homage to that historical character. One thing that I think is worth noting in my review of some background planning documents is I did look up the signage requirements for the redevelopment area that is immediately adjacent that includes the Performing Arts Center. The signage requirements for that area, which were written much more recently than the signage or requirements for this specific site are much more...what we are proposing is much more in keeping with what would be allowed or what was allowed in that area. I think it's clear from a planning perspective that larger signage in this downtown core with larger buildings with bigger mass is certainly or was certainly deemed to be appropriate more recently than the sign ordinance for this specific site was written. I think it's also important to note that with the larger and more dense and busy downtown environment, this sign will allow pedestrians, drivers to identify the building better, as they are working their way through downtown to the site for various shows. The modifications and upgrades to the blade sign and the marquee and the awning sign will help drivers and pedestrians alike, specifically that awning sign to the building's left, it's sort of recessed a little bit from the building will help pedestrians identify that additional access way to the building, you know, as they are in that sort of streetscape environment walking past the building in either direction to have another identifying mark above that doorway sign. So again, as a package, I believe that sort of summarizes what I believe are the benefits to the overall package even though there are some variances from the specific requirements of the code.

Mr. Clarkin: Do you see any detriments from the sign variances?

Mr. Woodruff: In my opinion, I do not. Obviously, there's the two prongs that that we should discuss. In my opinion, there's no substantial detriment to the public good. You know, while the signage does have some technical deviation from what is required, there's no protrusions to or interruption of pedestrian flow, the signs aren't going to slow down or make it harder for people to access or find the building, if anything, they are really intended to do the exact opposite while also reinvigorating the building in general, both visually and just operationally and the second prong, in my opinion there's no substantial impairment to the intent or purpose of the zone plan. Obviously, that intent was to create a downtown core environment that's vibrant and, you know, has highly functional mixed use buildings and there's obviously a great place for a building like this, in that mix of uses in the downtown environment.

Mr. Clarkin: Greg, let's return for a moment to the c(2) analysis. That involves a weighing of the benefits to the City and any detriments. And when you do the weighing analysis, what is your ultimate conclusion?

Mr. Woodruff: So, my conclusion would be that that in this case, the benefits of the overall package clearly outweigh any detriments or perceived detriment relative to the specific deviations from the ordinance code and that the ultimate proposal also furthers one of the specific purposes of the municipal land use law, which is another important criteria. In this case, I would say it's purpose "i", to promote a desirable visual

environment through creative development techniques and good civic design and arrangement. So, in my opinion, when you perform that balancing test, the proof criteria have been met and the Board should grant the variances.

Mr. Clarkin: Thank you. Mr. Chairman, that concludes his direct testimony. He is available for any questions.

Mr. Crum: Thank you, Mr. Clarkin and Mr. Woodruff. I just have one more procedural question from Mr. Aithal. I know the applicant is seeking a resolution to be adopted tonight. I just want to make sure, Mr. Woodruff mentioned a couple of minor variances. I believe they're captured in the resolution, in the clause "the Planning Board has made the following findings and determinations," in number three, but can we just confirm that?

Mr. Aithal: At this point, since the Board has not yet voted on the application, but I have captured the additional variances.

Mr. Crum: Okay, great. Thank you. Any questions for Mr. Woodruff? All right, Mr. Dominguez, you want to open it up for cross examination?

Mr. Dominguez: At this time, we are preparing to open the meeting to cross examination of the prior expert for five minutes per person. In order to assure that the Planning Board can hear from the interested public and the public can hear the cross examination, I will organize any speakers in order by last name. In a moment, speakers will be allowed to unmute themselves. At that time, I will ask that those with the last name starting with A to provide me your last name, first name and home address. I will confirm the information is correct, then move on to the next person alphabetically from A to Z. On 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'll 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, we will then close the cross examination portion. Please be mindful that your voice is being telephonically transmitted, speak slowly and clearly for the benefit of all. I will ask that you please remain silent while folks are being unmuted so we can all hear each other and begin the speaker registration process. Once again, if you are on a telephone rather than on computer, you'll need to use star six to unmute yourself and then star six to re-mute yourself. And so now I will begin taking names for anyone who would like to be registered to speak here to cross examine Mr. Woodruff.

Mr. Dominguez reads through the alphabet. There are no speakers who wish to cross examine Mr. Woodruff.

Mr. Clarkin: That concludes our direct case. We reserve a right to a closing argument after we hear from the public.

Mr. Crum: Any questions from the...I'm sorry, Dan? Do you want to read the announcement for the public portion?

Mr. Dominguez: Do you not want to do the Board questions or that after?

Mr. Crum: I was thinking we would do them after the public.

Mr. Dominguez: Okay. All right. this time, we are preparing to open the meeting to public comment on this application for five minutes per person. In order to assure that the Planning Board can hear from the interested public and the public can hear public comments, I will organize any speakers in order by last name. In a moment, speakers will be allowed to unmute themselves. At that time, I will ask that those with the last name starting with A through Z to provide me your last name, first name and home address. I will confirm the information is correct, then move on to the next person alphabetically from A to Z. On

completion of asking for all last names from A to Z, I will ask one more time for anyone who may want to speak. We'll 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, we will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted, speak slowly and clearly for the benefit of all. I will ask that you please remain silent while folks are being unmuted so we can all hear each other and begin the speaker registration process. I will ask any member of the public who would like to comment on this specific application with the last name starting with A, B or C to please state your full name and home address and I will add you to the list.

Mr. Dominguez reads through the alphabet. Charlie Kratovil and Michael Lu (20 Livingston Avenue) are placed on the list of speakers.

Mr. Charlie Kratovil, sworn

Mr. Charlie Kratovil: I'm here to speak at the end of the meeting, but I did appreciate the presentation. I think the State Theatre is an excellent community institution that is sorely missed right now. I wish them well with the signage. I like how it is, you know, in line with the past history of the theater and the renderings look great. So, I wish them well, and thank you for your time.

Mr. Dominguez: Next up is Michael Lu. Are you still there?

Mr. Michael Lu, sworn

Mr. Michael Lu: Good evening, everyone. Thanks for the opportunity to speak. So, obviously, I'm a resident of New Brunswick. I live in close proximity to State Theatre. In fact, I'm looking at the State Theatre right now. So, it's my opinion that the existing signage at the entrance of the State Theatre is perfectly bright enough. In fact, at two o'clock, three o'clock, four o'clock in the morning, when it's blazing the night sky, it's certainly bright enough that people can see it from far and wide. I think people know where the State Theatre is and they can always find it. So, I don't know if erecting a 50 foot high sign is truly necessary. I know Mr. Woodruff alluded to an analysis where he evaluated the potential detriments to the public, but I consider myself as one of the public members that would be negatively impacted by this sign as it illuminates my bedroom at night. Again, I really don't think anyone is searching for the State Theatre in the middle of the night. So, fine, if you want to have a sign on during shows or during weekdays up until 10 pm, you know, fine, I think that's perfectly reasonable, but having an illuminated LED light sign, one of which may be 200 square feet, seems a bit obtrusive. That's all I have to say.

Mr. Dominguez: Is there anyone else from the public who would like to comment on this application? The public comment on the application is now closed.

Mr. Clarkin: I'd like to comment if I could. With regard to Mr. Lu's comments, the blade sign is not 50 feet in height, it's 31, but I think more importantly, it's the intention of the State Theatre that the blade sign will be turned off shortly at the end of each performance. I don't know if that's going to be a half hour, 45 minutes, but this is not a sign that's going to be on all throughout the night. Certainly, the applicant would accept as a voluntary condition of approval that we would turn that blade sign off at that point in time after the performance is over. The other thing, and I say this many times to you, any time you grant a variance there is going to be some detriment to the public good. The way the statute reads, you have to be convinced that the detriment is substantial before you would have a basis to deny that variance. The light shed that is very substantial right now, that exists, not only from the State Theatre, but from the Heldrich Hotel itself, and the new performing arts center, and the 20-story structure, I don't believe that we are adding any additional measurable light shed to this area. That would be all I have to say and I request that the application be granted. Thank you.

Mr. Lu: Am I allowed to counter?

Mr. Crum: Mr. Lu, the public comment section is now over. That was his response to you. I think we're going to turn it now to Board discussion and comment. Any Board members who wish to ask any questions or have any discussion on this application.

Bob Cartica (Board Member): I'm just responding to the comment that was just received. Would the new blade sign be turned off at the same time in the evening as the main marquee, or does the marquee stay on all night long?

Mr. Clarkin: The marquee stays on all night long. But it's the blade sign we're willing to turn off. And the marquee sign staying on all the time is an existing condition.

Mr. Crum: Any other Board members have questions or comments? How's the Board feel in general of the proposed condition? Is that something that we would like to consider?

Mr. Cartica: I would agree with that condition. I see no reason why both of those signs should be on all night long.

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

Mr. Crum: Does any Board member wish to make a motion on this application?

Mr. Cartica: I'll move to approve with the condition previously stated.

Motion to Approve

I. Bob Cartica

II. Manuel Castaneda

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)	X	
George Chedid		
John Petrolino		
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)	X	
Chris Stelatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)	X	
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

Mr. Aithal: Mr. Chairman, a copy of the resolution has been given to all Board members and I believe it's also been placed on the online portal for review by the general public. I had asked that the Board consider that resolution of approval with an additional condition added to page four, paragraph number 19, that new paragraph would read “blade sign lighting shall be turned off approximately 30 minutes after performances end every evening.” With that one addition, I would ask that the Board consider memorializing the resolution.

Motion to Approve
 I. Suzanne Sicora-Ludwig
 II. Bob Cartica

	Yes	No
Jeff Crum (Chairperson)	X	
Manuel Castaneda (Vice Chairperson)	X	
George Chedid		
John Petrolino		
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)	X	
Chris Stellatella (Class II)	X	
Suzanne Sicora-Ludwig (Class III)	X	
Dale Vickers (Alternate #1)	X	
Yelitssa Checo (Alternate #2)	X	

VII. DISUSSION ITEMS

None.

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Dominguez: At this time, we are preparing to open the meeting to general public comment for five minutes per person. In order to assure that the Planning Board can hear from the interested public and the public can hear public comments, I will organize any speakers in order by last name. In a moment, speakers will be allowed to unmute themselves. I will ask that those with the last name starting with A to provide me your last name, first name and home address. I will confirm the information is correct, then move on to the next person alphabetically from A to Z. On 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'll 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, we will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted, speak slowly and clearly for the benefit of all. I will ask that you please remain silent while folks are being unmuted so we can all hear each other and begin the speaker registration process. I ask now for anyone from the public who wishes to speak to unmute themselves and I would ask that any general public comment with the last name A, B or C to state your name and home address.

Mr. Dominguez reads through the alphabet. Charlie Kratovil is placed on the list of speakers.

Mr. Kratovil: Thank you, Mr. Dominguez and good evening to the members of the Board. I have a few items to follow up from the meeting this prior week. I wanted to ask, was the resolution of memorialization of approved tonight, or will there be a resolution of memorialization at a future date?

Mr. Aithal: Mr. Chairman, if I may, this is an opportunity for Mr. Kratovil to make public comments, not a question and answer.

Mr. Kratovil: Right. I'm just asking about the resolutions approved by the Board tonight. There were the two warehouse ones. And did you also approve one for the cancer institute?

Mr. Crum: We did not.

Mr. Kratovil: Okay. Is there a future date that one might be approved, is it scheduled for the next meeting?

Mr. Crum: I don't think the agenda has been set, again, we're happy to clarify anything but this is more about public comment.

Mr. Kratovil: Sure, I understand. I do want to speak about that matter insofar as the development agreement, approved by the MCIA and the DEVCO company. Those agreements all include eminent domain in clear violation of this Board's redevelopment plan that you adopted on March 9. So, I do want to just put, for the record, I know I was using that as an objection to the whole matter proceeding on Monday night and that the prior one as well. But that's an issue that still has to be reckoned with it. I'm afraid that, you know, granting preliminary approval on Monday is setting a bad precedent that folks who are giving themselves the power of eminent domain can still get site plan approvals through this Board and I think that really they need, you know, this needs to be corrected post-haste if those agreements really do say eminent domain in them, which they do when I shared them with you, they're violating your redevelopment plan. And I suppose I would like some type of response on that whether you're comfortable giving one now or not, is there anything anyone can tell me about that issue?

Mr. Crum: I don't think anybody can speak to that right now, but I'm sure that the planning department would be happy to provide you something if you want to send them a question.

Mr. Kratovil: Okay, that's fine, and then another matter from Monday night was the vote on the application. I know Mr. Petrolino was no longer on the call at the time of the vote. I've written to the Board Secretary, Mr. Dominguez, to try to discern what happened there and whether Mr. Petrolino has cast a vote on that motion to preliminarily approve the cancer institute. I don't think Mr. Petrolino is on this call, but maybe Mr. Dominguez can shed a little light on what happened.

Mr. Dominguez: My understanding is that there were some technical difficulties. Still trying to get some clarity on that, as he was not there for the vote, he could not cast a vote. We still had quorum. So, the vote carries for the preliminary approval.

Mr. Kratovil: Okay, so he won't be casting a vote on that motion?

Mr. Dominguez: For preliminary approval, no, I believe that's done with, Aravind, you can clarify, you may know more than I do on that front.

Mr. Aithal: No, it's done, we had quorum, there was a vote, and he did not cast a vote.

Mr. Kratovil: And I did try to get some insight as to what would happen next with that application. Obviously, they did not get a final site plan approval so will they have to file another application or, you know, how would the public be notified of the next step? When that time comes?

Mr. Aithal: Mr. Chairman, I know Mr. Kratovil said he understood that this was not a question and answer period. I haven't heard any public comment. I've heard a lot of questions.

Mr. Kratovil: I had some comments in there and I think the record will reflect that the Board has been generous in answering questions to help the public understand what's going on (inaudible) and a lot of people are hard to follow sometimes. I've never seen this situation happen before, I know it's happened in other towns, but in New Brunswick I can't remember it happening, where preliminary is granted and not final, I just want to know how the public can be involved in the next step of the process. I tried to get an answer out of you, you know, during the last meeting and I haven't gotten it. Perhaps, are you saying if I put something in writing I'll be able to get an answer or what's the best way for me to get this answer?

Mr. Aithal: Submit something in writing to the planning director.

Mr. Kratovil: Okay, I'll be sure to do that and yeah, I'll just close with some comments about the unfortunate decision made to relocate Lincoln Annex School to 50 Jersey Avenue, that site is one that's going to take many years to clean up and so it just - as you know the current Lincoln Annex is fine school, it's a beloved school I would venture to say, and giving it up for a flat piece of contaminated land over by Walgreens is not a good trade, no matter what Robert Wood says, and I did take the opportunity to go to Trenton to review the records of the contamination there and at first blush, it looks really bad. It looks like there's lots of different very serious contamination issues with that piece of land that have not even begun to be remediated. They're just at the stage of tracking it and having wells there. So, I do want to put that on the record since I know this Board voted for recently to allow the Board of Ed acquire that land to build a school. Well, don't expect to see one there anytime soon, because of these contamination issues and just also want to reiterate my concerns about conflict of interest and the role that its played in this application. You know, obviously I put those issues on the record at the last meeting but since then I've learned that another Board member Suzanne Sicora-Ludwig was present at the June 3, 2019 announcement of the cancer institute and, you know, probably should not have participated in the in the hearing as well. So, I'm disappointed that things went as they did, but I'll leave it at that and wish you all well have a good evening.

IX. ADJOURNMENT