



CITY OF NEW BRUNSWICK
PLANNING BOARD
DECEMBER 7, 2020
MINUTES

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

I. ROLL CALL

	Jeff Crum (Chairperson)
X	Manuel Castaneda (Vice Chairperson)
	George Chedid
X	John Petrolino
X	Robert Cartica
	Diana Lopez
X	Ryan Berger (Class I)
	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 (Board Secretary and Director, Department of Planning, Community and Economic Development): Please be advised the notice requirements of the Open Public Meetings Act has been satisfied and that the annual notice, which gives 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 has been placed on the appropriate bulletin board and posted in the back vestibule City Hall visible to the public through the windows in the lobby of City Hall, New Brunswick, New Jersey, and has been transmitted to official newspapers 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 is 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, New Brunswick, New Jersey and has been transmitted to the official newspaper of 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 Planning Board intends to meet on a regular schedule and will meet 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. The public is encouraged to call into the conference call system through the phone numbers and access codes transmitted in the above notice to the Home News Tribune and Star Ledger and posted in the back of vestibule of City Hall visible to the public through the windows. Board professionals will also be available via conference call and video during this meeting, as well. All parties on the conference call will have the opportunity to hear the Planning Board meeting. During

portions of meeting that are not open for public comment, all callers from the public will be muted and the Board will not be able to hear any public comment through the conference call system. During the public comment periods, I'll first read public comments issued to the Board and those on the conference call in lines with an interest in addressing the Board will be first 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 for no more than five minutes in any given public meeting portion. A timer will chime at the completion of each five minute period, and I will notify you that your time has expired. Public meeting assistance accessing the call-in numbers should call the Planning Department at 732-745-5050.

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD’S OCTOBER 19, 2020 MEETING

Motion to Approve

- i. Bob Cartica
- ii. Yelitssa Checo

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

V. RESOLUTIONS OF MEMORIALIZATION

- A. **CANCER PAVILION REDEVELOPMENT ASSOCIATES LLC / 165 SOMERSET STREET / BLOCK 5I, LOT 2.01 (PB-2020-II)**
Preliminary site plan approval

Bob Cartica (Board Member): I have a couple of couple of hopefully quick questions. Just a couple of things in the language that I'm inquiring about. Under the first "whereas" it indicates Cancer Pavilion Associates, preliminary site approval, which is correct, but they actually came with a proposal for preliminary and final site approval. Just questioning the language there.

Aravind Aithal (Board Attorney): I did consider whether it should be worded as preliminary and final major site plan. However, the applicant made a proffer, if you will, at the beginning of the case, that they would accept only preliminary and I felt that it would be more, for the layperson that's looking over this,

plus whoever's looking over this years and years from now, that it would be clear that only a preliminary was sought at that time, based on the representations of counsel.

Mr. Cartica: Okay. I mean, certainly I'll defer to you on that. However, you know, they did come to us with a preliminary and final plan and the vote was for preliminary approval only with conditions.

Mr. Aithal: Mr. Cartica, my concern would be that if they were to object, if they were to appeal this, there could be an argument that they can make this since they came with a preliminary and final application, that the Board was hamstrung and could only consider preliminary and final, which I don't think is the state of the law, but I wanted to be clear that they only sought preliminary by virtue of the representation of counsel, as well.

Mr. Cartica: Okay. All right. I'll defer to you on this. Just asking the question. Later on, under another "whereas" indicates the proposed site currently consists of a single lot with a former public school building. Has that school been vacated? Is that school not in an operation at this time? The Lincoln Annex?

Mr. Aithal: I'm looking at the transcript. I was looking at the time, I'm not currently looking at the transcript, in writing the resolution of approval, there was a representation by the applicant's witnesses that it was formerly used as a school, that it is not currently being used for school. And I don't believe that they have classes in session now regardless because of COVID.

Mr. Cartica: Okay. All right, fine. And the last thing is that one of the conditions associated with approval was again, safety issues, I notice there's on number 27, under, you know, therefore, be it resolved, that there would be an examination of safety issues, but there was no mention of traffic. I know that this was discussed at the meeting, but the whole reason that came up was because of the concern over traffic issues. But that wasn't indicated in that particular under paragraph 27. Was that an error or is that intentional?

Mr. Aithal: That was an intentional omission of the traffic, because of the under the Municipal Land Use Law, we could not require them to do an additional off-site traffic study. However, they do have safety issues, which includes traffic related to both the site and off-site.

Mr. Cartica: Okay. The only other is a couple of typos, which I just send you afterwards if you're interested.

Mr. Aithal: If you have those typos now, we can make an amendment and then consider the amended motion.

Mr. Cartica: Okay, number 41. Travel is misspelled.

Mr. Aithal: Regarding gravel directions -

Mr. Cartica: Gravel. Yep. And number 44. I think it should be study area, not study our. That's all.

Suzanne Sicora-Ludwig (Acting Board Chairperson): Does anybody else have any questions or concerns regarding the resolution? If not, is there a motion?

Mr. Cartica: I move to approve.

Mr. Dominguez: Mr. Cartica, presumably with the amendments, correct?

Mr. Cartica: Oh, yes. Yes. Thank you.

Mr. Dominguez: Just for the record's sake.

Motion to Approve

- i. Bob Cartica
- ii. Ryan Berger

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

VI. PUBLIC HEARINGS

A. ADOPTION OF THE 2021 PLANNING BOARD MEETING SCHEDULE

Motion to Approve

- i. John Petrolino
- ii. Bob Cartica

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

B. AMENDMENTS TO TITLE 17 ZONING ORDINANCE

Planning Board review of proposed amendments to the city's Zoning Ordinance regarding the list of definitions; Remsen Avenue Mid-Rise Overlay and Medium Density Graduated Density Overlay zones; and to the C-3B Community Commercial/Office District, I-2 General Industrial District and C-4 Downtown Commercial/Office District.

Mr. Dominguez: If possible, ah, might I recommend that we can skip ahead to the Board rules and then revisit this afterwards as a as our last item.

Ms. Sicora-Ludwig: Of course. Okay, we'll now move on to discussion items. And first we will be discussing the changes to the Board rules regarding public comment and interaction. Do you want to go through these, Dan? Or Aravind, do you want to go with the Board?

Mr. Aithal: I will, I have provided the Board members not only with a clean version, but also with a black line version just to make for ease of reference. The changes are substantively, the rules are part two, under procedures, and they fall under the general category of just order and decorum. The Board will also note that there is a change in the use of the word "parties" to "interested parties," which mirrors the New Jersey the rules of evidence as to who would be an interested party that is subject to cross examination, to put on a case and rebuttal and the order that they will be able to do that. And also change the rules at the discretion - to permit the chair, at his or her discretion, to have cross examination following the presentation of the case, as you have seen in the prior hearing, where we have a large number of people participating, it's very difficult, very stilted, to have the presentation to the Board and then cross examination by all members of public, rather than objectors of an interested party. And to have that immediately following the witness, rather than the end of the presentation, that this would give the opportunity for the Board Chair to permit cross examination after the case has been put in.

Ms. Sicora-Ludwig: Anybody have any questions regarding new changes? And actually, I believe until this past month or so that's typically how the Planning Board operated anyway, so now it's better to have it in writing. Does anybody else in the Board have any questions regarding this?

Manuel Castaneda (Vice Chairperson): Yeah, this is Manny. I apologize for showing up late. I had internet issues want to make sure everybody knew I was here.

Ms. Sicora-Ludwig: Oh, thank you. Manny. Do you have questions regarding these changes?

Mr. Castaneda: I don't. I've heard everything. I'm good. I agree with you.

Ms. Sicora-Ludwig: Okay, fantastic. And do we have to open anything up to the public here for comment?

Mr. Aithal: You do. So, it would be appropriate at this time to open it up to the public, Madam Chair.

Ms. Sicora-Ludwig: Okay, so hearing no Board comments, I'd like to open the floor up to the public, if anybody has any comments.

Mr. Dominguez: Yeah, I have to do my little spiel at the beginning. But I wanted to just quickly jump in and, Arvind, technically the Vice Chair has come in. My understanding would be that as long as Manny, not mind continuing in a non-chair role, he can, you know, defer to Ms. Sicora-Ludwig for the rest of the meeting. But I just want to -

Mr. Aithal: - if Mr. Castaneda has no objection, we'll just continue.

Mr. Castaneda: - and I apologize for my tardiness.

Mr. Dominguez: All right. Thank you, Manny. All right. So, at this time we're preparing to open the meeting to public comment on the proposed Board rules for five minutes per person. In order to assure that the Planning Board 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 and at that time, I will ask those with the last name starting with A to provide your last name, first name and home address. I will confirm that the information is correct and then 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 one more time ask for anyone who would like to be placed on initial list of speakers. We will 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 if anyone 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 will ask that you please remain silent while people are unmuting themselves again, if you're on the phone star six, on the computer, you have to use the unmute button, and I will begin the speaker registration process. And so, I would like to register anyone with the last name starting with letter A. Please state your full name and home address, if you'd like to comment on this, on the Board changes, Board rules, sorry.

Mr. Dominguez reads through the alphabet. Charlie Kratovil (Suydam Street, New Brunswick, NJ), Linda Stork (Park Boulevard, New Brunswick, NJ) and Araceli Gonzalez (North Brunswick, NJ) are placed on the list of speakers.

Charlie Kratovil: All right. So, I want to understand why the Board thinks it's appropriate to have a different set of rules for the parking deck part of the application for the Rutgers Cancer Institute than what was in place for the meeting, that it took to push through that part of the building. Why? What's the justification for it?

Mr. Aithal: Madam Chair, may I?

Ms. Sicora-Ludwig: Yes, Aravind.

Mr. Aithal: Thank you, Madam Chair, in reference to Mr. Kratovil's questions, I think it would be grossly inappropriate for the Board to change rules during the middle of an application, which is not the case here. The rules are being changed without an application being presented and will be applicable in the future. So, the next application that comes, without regard for whatever application that may be, but the Board should be aware that members of the public will still have an opportunity to cross examine, and will still have an opportunity to comment.

Ms. Sicora-Ludwig: Any other questions, Mr. Kratovil?

Mr. Kratovil: Sorry, I just switched to the camera. I do want to clarify what changes are being made, you said that this is going to be basically a limitation on who is allowed to cross examine? Whereas last time it was opened up to the general public, are you saying there's a new standard is going to be in place? And what's the standard?

Mr. Aithal: No, I didn't say there was going to be a new standard. But we're more closely following the New Jersey rules about -

Mr. Kratovil: Okay, and so what can an interested party do, that, uh, someone who goes up on the night of the meeting can't do?

Mr. Aithal: I'm not sure that I can answer that question.

Mr. Kratovil: Okay, well, is there an official or formal way for someone to become an objector to a project?

Mr. Aithal: I'm sure I'm not sure that I can answer that question.

Ms. Sicora-Ludwig: Thank you. Do you have any other questions?

Mr. Kratovil: Well, I think Mr. Aithal used both of those terms in his remarks, saying an objector or an interested party and that the rules were being changed with respect to those folks. If we can't define it, and then really, it's arbitrary to move forward with these and I would urge you to keep the current rules in place. You know, I'm a little baffled why these questions can't be answered.

Mr. Aithal: Madam Chair, if I may. I'm not in a position to provide Mr. Kratovil legal advice, but he's asking for would be legal advice. And Mr. Kratovil is certainly free to consult with an attorney of his choosing to provide him with legal advice, but I cannot.

Mr. Kratovil: I'm attempting to engage with the Board so that I can properly participate in your hearings, you're changing the rules of participation, I'm trying to understand the new rules. It seems like this is gonna pass, because you all have expressed support. So, I just want to know what the rules are going to be going forward, for what it takes to become an objector, because I have an application that I would like to object to formally. So, I'd like to understand how that process works. If you're going to restrict certain rights only to objectors or interested parties, we need to understand what those terms mean.

Mr. Aithal: I'll only clarify this, that I have not used language, nor has the proposed rules, this amendment, said that anyone's rights are being restricted.

Mr. Kratovil: So, I guess I would urge you to not pass these changes. Stick with the current rules. It's good for people to cross examine the witnesses right after they testify, rather than having witness after witness after witness and making the public wait to ask the questions. I think you know what the cynic in me says is that this is a move to accelerate the process, limit the amount of questions that folks have to take and instead of getting five minutes to question each witness, you're going to limit total questions this time. You've already stopped, basically stamped our rights to testify at these hearings, it used to be unlimited testimony and then March 9, it became five minutes and then unprecedented you went to three minutes for the last one, stifling the public after you gave us five minutes each to cross examine the witnesses. You only gave us three minutes to actually say our piece and give our testimony and so I would suggest that further clamping down on the public's right to ask questions would be a mistake at this point and it would be grounds to challenge your action, because, quite frankly, it's getting to that point where, you know, the Board is a taking the side of the applicant in the RCINJ application. It's that simple and if you're going to make a change to facilitate a faster hearing for the second part, you're proving my point for me, so I would say don't make the change.

Mr. Dominguez: Next up is Ms. Linda Stork. Ms. Stork, are you there? All right, um, so is there anyone who did not make it onto this initial list of speakers who wanted to comment on the Board rules?

Linda Stork: Oh, you know what, okay, can you hear me now?

Mr. Dominguez: Yes, we can.

Linda Stork, sworn

Ms. Stork: Okay, I'm trying to understand Section C, under 2-3 (phonetic), Order of Presentation. So, when a witness testifies and then the Chair will allow the members of the Board and at their sole discretion of the Chair - it sounds very arbitrary. Any party can ask questions, but only if the Chair says they can. Right? And they permit reasonable cross examination by counsel, may or may not. I guess. I don't know. I'm not sure, and so I'm trying to understand this. And also, whether there's - okay, can anybody be an interested party? Like, obviously anybody that lives in the neighborhood is an interested party. Is anybody

that lives in the Fifth and Sixth Wards an interested party? Is anybody that lives in the City of New Brunswick an interested party? Because it sounds like a lot is going to be at the discretion of the Chair. And then it says “unless otherwise permitted by the Chair, interested parties may ask questions of any witness at the end of the presentation.” So, what does that mean, unless otherwise permitted by the Chair? If they're permitted to ask questions before, then they can't ask questions again at the end? I'm having a hard time trying to understand exactly what this is going to mean in practical terms here. So...can somebody just say simply what the difference would be?

Ms. Sicora-Ludwig: It's going to be exactly like you just said. This hearing is the first I remember where there were witnesses that were cross examined in between an applicant's presentation. So, moving forward, this is going to be no different than it was for every other application that we've ever heard. The rules are just being restated, from what I understand. The state law, is that correct, Mr. Aithal?

Mr. Aithal: Madam Chair, that's correct.

Ms. Stork: So, no other hearing was ever done like that before?

Ms. Sicora-Ludwig: I don't recall. I mean, I recall when we've had attorneys present, that they had the right to cross-examine, but I don't recall in my time, I mean I may be mistaken, but I don't recall ever calling witness and then public and witness and then public, it was always the applicant put on their case and then the public questions.

Ms. Stork: But then, so for all the questions for all the witnesses, is done in, because - it also doesn't state the time here, it says at the discretion of the Chair. So technically, the Chair could say, all right, you got a minute to ask all the questions to all the witnesses.

Ms. Sicora-Ludwig: I believe that the time is addressed in a different section of the rules. And I don't think we're changing the time element of this. I mean, I think it's so the time is still the same and that is, again, the discretion of the Chair, which most rules are.

Ms. Stork: So, the Chair doesn't have to allow the time, is that what that means?

Ms. Sicora-Ludwig: I think there's discretion to adapt during a hearing if the situation calls for it.

Mr. Aithal: Madam Chair, this is Arvind Aithal, the Board Attorney, if I may. Just for clarification, this doesn't add or change what the public would be able to do in terms of participation, but it does more closely mirror what the law permits, which is that it must be a reasonable opportunity to cross-examine and reasonable opportunity to make comments on the application. This gives the Board Chair the discretion to more closely follow what the law already permits, or requires us to do, which is to permit a reasonable opportunity, and the only thing I said at the beginning to be a change is we've done what most boards tend to do, which is to have cross-examination at the end of the testimony, rather than - which is what this Board has historically done for the time I've been participating, except for this past year.

Ms. Sicora-Ludwig: Do you have any other questions, Ms. Stork?

Ms. Stork: Yes, it just seems like - you can say it's not going to make much of a difference to public participation, but I think that it does, but nothing is being changed about who can speak? Like, it won't be at the discretion of the Chair to decide, no, you're not really that interested of a party, you're not going to speak.

Ms. Sicora-Ludwig: The public always has the right to speak, this more or less just determines what portion of the meeting that will happen. Is that correct? I don't want to misstate anything Mr. Aithal.

Mr. Aithal: Yep, that's correct.

Ms. Stork: So, it would not be okay for people to be told that that they didn't have a stake, that they have no reason to - no, they're not as interested party, in other words. That wouldn't happen.

Mr. Aithal: Madam Chair, I think we've answered that question. I'm not really sure that I can provide any more clarity.

Ms. Stork: Okay. All right. No, I would hate to see that happen. Obviously, anybody that logs into the meeting is interested. Some of these things are regional and doesn't even necessarily have to be in New Brunswick. I against anything that is going to have less public participation. And so, from that, I know overwhelming opposition from the neighbors of the project for a number of reasons, and you know, I happen to know from the parents of kids who were going to school there, it is our neighborhood school. And the parents were not in favor -

Mr. Dominguez: Ms. Stork, you hit time a little while ago. I was just trying to let her wrap up her thought. Is there anyone else who did not get a chance to comment on the Board rules?

Araceli Gonzalez: I would like to comment.

Mr. Dominguez: All right. I'm just going to ask to the general group a couple of times if there's anyone else. Is there anyone else who would like to - okay, seeing none.

Araceli Gonzalez: Yeah, past meetings, it seems like there's already a lack of participation from the community because of the language barrier. And a lot of people in New Brunswick, they rely on advocates like Ms. Stork and Charlie here to come speak for them. So, limiting the time they get, it would be really bad because it's already a short amount of time that's being a representative this community, and to limit it even further is just not a good look. Yeah, it's disappointing. Um, I feel like that the questions of Ms. Linda Stork are asking weren't directly answered. We all pretty much know what this means. That's all I want to say.

Ms. Sicora-Ludwig: Thank you. Do you have any other questions? Comments? Hearing none, the public portion is closed. Do we have any - a motion from the Board?

Motion to Approve
I. Manuel Castaneda
II. Yelitssa Checo

	Yes	No
Jeff Crum (Chairperson)		
Manuel Castaneda (Vice Chairperson)	X	
George Chedid		
John Petrolino	X	
Robert Cartica	X	
Diana Lopez		
Ryan Berger (Class I)	X	
Chris Stellatella (Class II)		
Suzanne Sicora-Ludwig (Class III)	X	

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

Ms. Sicora-Ludwig: And now were going to go back to the amendments, Title 17 Zoning Ordinance. Is this something you wanted to cover tonight or did you want to move on to another meeting, Dan?

Mr. Dominguez: I'm okay covering it tonight if that's okay with the Board.

Ms. Sicora-Ludwig: It's on the agenda. Does anybody have any issue with hearing this tonight?

Mr. Castaneda: I don't but Dan, just to know I didn't vote for the last -

Mr. Dominguez: I'm sorry?

Mr. Castaneda: Manny, I didn't get -

Mr. Dominguez: Manuel Castaneda.

Mr. Castaneda: Yes.

Mr. Dominguez: Forgot. You even motioned.

Ms. Sicora-Ludwig: So, let's move on to let's move on to amendments to Title 17, Zoning Ordinance. Planning Board review of proposed amendments to the City's Zoning Ordinance regarding the list of definitions; Remsen Avenue Mid-Rise Overlay and Medium Density Graduated Density Overlay zones; and to the C-3B Community Commercial/Office District, I-2 General Industrial District and C-4 Downtown Commercial/Office District. Are you presenting?

Mr. Dominguez: Yes. And Mr. Aithal, I guess has to swear me in -

Dan Dominguez, sworn

Mr. Dominguez: So, thank you all members of the Board for being here tonight. We've got a kind of thorough zoning amendment before us here, tackling some of the items from the last re-exam before we go off and contract on - with a brand new master plan in the coming year. So, in particular, if it's okay with the Board, I'd like to go section by section as they're broken up and then field any questions from the Board and then we'll do comment at the end of the whole presentation.

So, going through section one. This is for the most part it's pretty, I think, straightforward. It's a list definitions. Some of these words may not really mean anything to the members of the Board yet. We don't really have a form based code in the New Brunswick, we have a just zoning style, but the re-exam, for a lot of the amendments that are recommended to our zoning code, wanted us to lean on form based codes so that's where you'll see things like build to line, build to zone, build percentage. Those are different types of tools used under the form based code styling. Then you have the definition for form based code, some clarification as to what a grocery store is to sort of separate grocery stores from convenience stores, and hotel and motel. The re-exam recommended that we, and it'll come up later in the sections, that we cease having motels as a permitted use in the downtown zone, that's the C-4, and to have definitions for both because I believe that the current existing zoning ordinance doesn't have a definition for either, this defines both, and also eliminates motels as a permitted use downtown, which there are none currently. Are there any questions from the Board for section one?

Seeing none, section two is the title of two overlay zones and section three is the creation of a section for the overlay map, which would be adopted by reference, similarly to how the existing current zoning map is adopted by reference in its section, which is 17.04.020. So, this just creates a section under that, that has the overlay zone map, so if anyone has any questions for either of those, I think that those will get expounded on in other sections, but if anyone happens to have any questions, I'm all ears from the Board on those two. Otherwise, we'll jump into section four.

All right, and jumping into section four, this is a more meat and potatoes of the zoning amendments. So, one of the recommendations of the re-exam was a recommendation that also carries from the 2004 master plan, but was not implemented after its recommendation in that master plan or immediately in the recommendation of the 2012 re-exam, which is to adjust the bulk standards in the C-3B district, this being essentially the Easton Avenue corridor to better match what is actually there. As you know, the Easton Avenue corridor even though it is one zone also is kind of not the same, as it densifies the closer you get to downtown and then kind of tapers off as you get toward Buccleuch Park. So, this sort-of reflects that. This remains toward the northwestern part of the city, northwest of, I guess, Prosper, that it would basically stay exactly the same, there wouldn't be any meaningful change there. There's a slight decrease in the impervious coverage allowable. I believe from 80 or 85 to 75, then coming down as you get closer to town, between (inaudible) Street and Prosper. You have a slight increase to a floor area ratio of two to one. And then you have a floor ratio of three to one from Somerset - from Mine Street down Somerset where the C-3B meets the downtown C-4 district. So, these are the changes to make it more in line with existing development. And what we've seen developed there over the years, so at this point if anyone has any questions about these bulk standards, I'm here.

Mr. Cartica: This applies only to Easton, both sides of Easton Avenue, essentially it doesn't apply to the highlighted areas on map that was provided.

Mr. Dominguez: So, this is not - there is no map to this because it doesn't have an overlay on that existing zoning, the only sort of unique parcel in the C-3B, and Bob, we spoke about this, is that there's a Judy's Kitchen, which is a cafe, that's on the corner of Guilden and Hamilton, I think, that has sort of swooped in within the C-3B. And that's why the first section there is somewhat worded, as that is sort-of a residential neighborhood, for the most part, surrounding that site so to not encourage the same kind of density that the rest of the corridor has, as it's kind of a unique outlier from the rest of the zone in that way.

Mr. Cartica: Thank you.

Ms. Sicora-Ludwig: Any other members from the Board have any questions?

Mr. Dominguez: Um, so this section six is sort of a reference to section five, I mean, whoa, the numbers are wrong, I went from four to six. That's my bad, I apologize for that. So, this would be section five but for the sake of continuity and less confusion going forward, we'll just call it section six. So, the section six is just clarifying some language in the section, so that it makes sense and refers to this bulk table that will be in the - that was just referenced in the prior section, so that people know where to look.

In section seven of the amendments, modifies the I-2 zone. The re-exam recommends reviewing the bulk standards of the I-2 zone, to see if they - well, the I-2 and the I-1 - to see if they need tinkering. The I-1's proximity to residential uses means that we were reluctant to tinker too much with it, so we left it alone. But with the I-2, we noticed that some of the neighbors in their industrial zones, they had no FAR ratios, they use their FARs as tools for residential densities, and just used bulk standards as their way to - and use regulations - to control the development in their industrial sections. So, the concept would be to remove the FAR ratio and use the bulk standards as the primary limiters into whether or not a project should be approved, or whether or not they need variances and whether the Board should grant those variances. Additionally, the setbacks are modified such that they are less intense and onerous when abutting other industrial uses and other industrial zones, but when they are abutting non-industrial zones that they have

to have greater setbacks, to make sure that they are not creating negative spillover effects onto those sites. If you've seen our zoning map, you'll know we have some commercial districts, some residential districts and there's some residential in, I think North Brunswick, that abuts the I-2 zone. So, these types of developments now have greater setbacks when abutting those, but the parcels that do not abut those would have greater latitude with how they're able to develop. Additionally, by sectioning off research and development and high tech uses, which are great job generators and great uses of our I-2 space in creating higher standards that they can use for height and FAR, and aspects of the bulk table to encourage those types of uses to go into our industrial zone. That's kind of the gist of the I-2 review and I think that that would be a time for if anyone had any questions.

Mr. Cartica: Once again, Bob Cartica. This doesn't bear any relation to the overlays, the -

Mr. Dominguez: Not at all.

Mr. Cartica: - ROSE or MGDO overlays we're talking about this is independent of that, there are no industrial areas in these areas.

Mr. Dominguez: None.

Mr. Cartica: Okay, thank you.

Ms. Sicora-Ludwig: Any other Board members have any questions? Hearing none.

Mr. Dominguez: Thank you. All right, so this next section, we touched base on this when we were going through the definitions earlier. This drops from, I guess, a little, I don't know how you would say that, but it's eight. It was the hotels and motels is what it currently says in the, in the zoning code, it just drops the, and motels to only hotels for the downtown C-4 district. If there's anyone who has any questions about that before we go to the next part, you can jump in the next part, it's probably going to be generating more questions, so - all right, so jumping over to section nine in the proposal, and the proposed amendments, is the first of the two overlays zones, so this is the ROSE overlay zone, and yes, I did get kind of cute with the name, but Remsen overlay zone, I thought it would be a good fit there. So, in the re-exam, it encourages us to carry out the vision of the Remsen Avenue revitalization plan as one of the aspects was to encourage through form based code, density that fits the neighborhood, given what's there. So, this would, if a developer would be able to accumulate and assemble parcels of this size, to be able to develop, up to two FAR essentially. There are already plenty of buildings on Remsen that are at or above two FAR, all the three-story buildings there are in that range. Most of the single- and two-families there are above one. So that level of intensity of floor area is decidedly common in the zone. And this would allow as an overlay if someone were to acquire that level of a lot assemblage to go up to those levels. And additionally, if there - there's two zones - the reason this is an overlay is because there's actually two zones in the Remsen corridor there's an R-5A, which is the city's medium density single- and two-family zone, and C-1, which is Community Commercial, light density commercial. So, in the event that these buildings would have - if they are overlaid in the R-5A, then they would have to be strictly residential, if they're overlaid in the C-1 then they'd be able to have ground floor commercial. But otherwise, additionally, we go through the section and there's a lot of form based code attempts here about spacing and massing, setbacks to not encroach too much on the neighboring properties, design elements to ensure that it best fits the neighborhood designs and aesthetics, and a comfortable rear setback for the regular R-5A zone on the side streets that would require the building setback to the peak building height to ensure maximum distance to make sure that these buildings aren't encroaching on those were some of the existing, you know, buildings that are two FAR that they are, we are, in an effort to better utilize land and discourage impervious coverage and the like, there's a slight density bonus there for developers who would provide the parking below grade, so that we don't need surface spots, there could be more green space around the buildings. Technically, this is not a separate section from the other overlay zone, but I do think that it merits its own discussion at this point, so I'm going to ask the Board if they have any questions on this one.

Mr. Cartica: Dan, this is Bob Cartica again. I'm gonna ask the same question with regard to both this overlay and the MGD overlay compared to these areas now, as they exist now, how might you characterize how the proposed amendments might modify or potentially modify these areas in the future. I mean, you know, of course you can say because you know it will all depend on market conditions and, and, you know, a lot of factors, but how might this area look, and function differently in the future compared to now, and you know just sort of related to that, how would this strengthen these neighborhoods, which I think is the language that you use in the amendments.

Mr. Dominguez: Sure, Bob. Thank you. Um, so I think that they provide different tools to the different neighborhoods. So, in this case I'll speak on the, on this overlay and then we'll talk about the other one on the other overlay. So, this is already a very or relatively intense corridor, as it is a semi-commercial corridor, probably half to two thirds of this corridor is C-1, which is, you know, it's not that intense relative to other commercial zones in the city, but somewhat intense, allowing for mixed use development and the like. This is also probably the fourth or fifth most active commercial corridor in the city. So, in this zone, what you would see is, I think, these types of development would be more likely to be developed than in the MGDO overlay than those developments in that neighborhood. The reason is because it's such a commercial and more intense corridor, where you have an incredibly high demand for workforce housing, such that you have very common neighborhood overcrowding issues. What you would hope to see out of something like this is probably a less intense version of the, of the projects that Frank Garcia did on French Street next to the Robert Wood Johnson Proton Center, you would see a smaller scale versions of that workforce housing level, rents that allow the people in the community to stay in the community, because they're already paying crazy rents for terrible properties, you get rid of any lead, asbestos, as you have brand new units and you have an opportunity to revitalize that commercial core of the Second Ward, to some extent, or without spilling over into the, the rest of the ward. In this case, it would attract the density to the main corridor and discourage, ideally, intensification of development throughout the rest of the ward where people are in their, would like to be in their single- and two-family homes. So, that's sort of the gist of where this one is. I'll touch base on the MGDO one when we get there, because I think that the tools serve different purposes.

Mr. Cartica: So, it serves to sort of cluster development along this corridor rather than spilling out into the adjacent neighborhood, you feel that this would accomplish that.

Mr. Dominguez: Correct. In an already intense corridor that could use some improvement in the quality of the building stock, and in the neighborhood, but the neighborhoods are already been seeing a lot of redevelopment over the past 20 years, there's the affordable townhouses from the Mt. Zion, a more affordable townhouses (inaudible). There was a somewhat contentious affordable housing project that was approved by the Zoning Board a few months ago, where the church burned down at the corner of Remsen and Redmond, you have several, you know, like I said, two plus FAR 100 plus year old apartment buildings, you have the old firehouse there's a lot of density there. And not all of it is in really good shape and this sort of allows for a natural development of that density and an attraction of where the development should be.

Mr. Cartica: Thank you.

John Petrolino (Board Member): One of the comments that you made that I think bears on certainly a lot of the public feedback we've had in recent months, is that this draws development eyes towards the main thoroughfares and corridors for travel within the city of New Brunswick and clearly what we've heard, and I share these concerns, is with respect to what is at times and already overloaded traffic system. And I'm curious if there's been any investigation into how that would impact the existing infrastructure, if the proposal were to be approved, and then development work to proceed in accordance with, with the design that you have.

Mr. Dominguez: Sure, so there are there have not been any traffic studies done, any traffic study for the corridor would have to be done on a case by case, project by project basis, you know, you might add one or two of these buildings and you find that it's fine, from the traffic impact statement and study, and then you start adding a few more and then it becomes a problem and then that's something to be revisited. And all these projects need to come before these boards, so you make your site plans they'll have to provide their, their traffic impact studies, so I think that that's best handled on a case by case basis.

Mr. Petrolino: I certainly understand what you're saying, and I hear what you're saying. The challenge that I have is that once you approve the overlay zone, it's almost the case where the horse is out of the barn, because you try and do this on a site by site basis and all of a sudden you're down in the weeds on this site and any deleterious traffic impact and I'd put 100 bucks on the bar if anybody can come to me with any traffic witness, or expert who's going to testify that yes, it is going to materially and negatively impact the traffic in the areas where the proposed construction takes place, so I can turn around and say, you know, my concern on these is we've got infrastructure that represents a city that is 100 years old, more than 100 years old, as it's currently constituted, and I am 100 percent in favor of developments and improving the quality of life for the residents, but there comes a point in time where the deleterious impact of traffic does the exact opposite. So, that's my concern, I appreciate the efforts, and I will certainly continue to listen with an open mind.

Mr. Dominguez: All right, thank you John. Is there anyone else from the Board that has any questions?

Dale Vickers (Board Member): Dan, this is Dale, I do. Yeah, this really concerns me from a standpoint - you know, this has really become a mishmash, and what you're telling, or the way I'm understanding it is, are we trying to bring it down to, you know, more single-family homes? I mean, you know, that's a very important corridor, right, a lot of history, actually was the old Italian neighborhood, I can tell a lot of uses, because you know it, a lot of, like you said, historic buildings there. And when I drive down Remsen Avenue now, I mean (inaudible) from a person that grew up down there, you know, I'm trying to understand where this actually going to take that corridor because it's a mess, things have been done in it, and to me, this thing, it would just make it more of a mishmash, a bigger one than it already is.

Mr. Dominguez: So, thanks. Um, so the goal would be to cluster the development of the Second Ward onto Remsen Avenue, where there are not, already, not many standalone single- and two-families at this point. There are two-families, three-families, mixed use, condominiums, townhouses. It's very few standalone single-family homes on the overlay, which was attached, so it's literally just on Remsen Avenue, there are no non-Remsen Avenue affected properties if you're thinking, this spills over into the rest of the Second Ward. Additionally, this should detract and discourage development in the rest of Second Ward by attracting development to an existing commercial corridor, which would allow the single- and two-family homes throughout the rest of the Second Ward to breathe, so to speak, and not feel the pressure of additional development of mid-rises and apartment buildings being built immediately adjacent.

Mr. Vickers: Okay. Thank you.

Mr. Cartica: Dan, Bob again. So, you could expect that developers might come in and this would encourage developers perhaps to combine lots within this zone, within this overlay, and construct, you know, say on three lots commercial buildings or apartment buildings or such, right, it would it would kind of encourage the clustering of this kind of thing on this, in this corridor, rather than on the adjacent neighborhoods.

Mr. Dominguez: Right. This is already the intense portion strip of the Second Ward, so it's best to create the kinds of conditions that would allow the development to track there, rather than throughout the rest of the strictly residential neighborhood.

Mr. Cartica: And at the same time replace kind of older less safe buildings with newer buildings that are up to code, that sort of thing.

Mr. Dominguez: Correct.

Mr. Cartica: Okay.

Mr. Dominguez: All right, so I guess we can jump over to the, the other overlay the MGDO, which doesn't have a cute name because I couldn't come up with one. I tried. So, this, if you can pull your, within the packet that you received, it says overlay zone in the Sixth Ward, in portions of the Sixth Ward, south of the St Peter's Hospital and north of Hamilton Street, between Duke and Robinson, just making sure. Oh, I have a black and white map in front of me, but I don't need to be using that because I have a computer also in front of me, so that's kind of silly. Yeah. Okay, so it's between Courtlandt, Duke, Robinson, Hamilton and the Guilden side of the Easton Avenue corridor up to Courtlandt. So, the re-exam envisions also a graduated density overlay for the Sixth Ward. In this case, attempted on a smaller portion of the Sixth Ward rather than ward-wide here between the hospitals, essentially. And so, it follows some of the same numbers that you would have seen in the other zone, although in terms of lot sizes, you might see that buildings that are required - the height requirements are a little bit tighter. This is a more strictly residential zone and technically there - it is a single- and two-family zone for the most part, technically, but anyone who knows that it's also rife with overcrowded student housing, single-family homes that have become, you know, for 9, 10, 15 students, some more, up to 20 and those types of developments, well, not developments, because they're existing structures, those types of conversions have significant negative impacts in the surrounding neighborhoods. That's not to say college students are bad. I was a college student not that long ago. But it does often create negative spillover effects into the neighborhood and it has, I don't think anyone would say that it hasn't. To that effect, again, so this is far less intense than what we saw over in the, in the ROSE overlay. It does, again, have, you know, density increases for arranging several lots, what you would see here, is also a little bonus if you're able to build below grade, your parking, again so that we can minimize impervious surfaces and surface lots, which are somewhat (inaudible), but also, you know, have significant negative impacts heat island effects, impervious coverage, etc. So, you want to encourage that type of parking whenever possible. Also, this is still a residential area unlike the Remsen Ave. corridor, which is mixed. And what we really would like to see here and why I factored in a maximum block area is to ensure that these don't overtake any of the neighborhood, that they are just sort of smattered about and where it makes sense, and where developers can actually get the land assemblage, and typically they'll probably find sellers be those who have the most problematic properties that might often see that the housing inspectors and the like, because they become headaches for them. And additionally, deep in there, there is an additional guideline that no more than any than two of these could ever be built per block. And so, going into what Bob was saying earlier, when I was talking about the ROSE overlay, and how this has a different goal. The goal here is to eliminate the negative spillover effects of overcrowded single-family rentals by encouraging investment into a few of these. What I think you would end up seeing, over the course of 20 years, is probably three or four, much smaller versions of the, the building that was built on Hamilton Street on some of the blocks, and probably not significantly more. It's not actually that easy to develop a land assemblage at this at these numbers, 10,000, square feet, we're talking four parcels probably, for 25 by 100, 15,000. You're talking six. It's not that easy, and so, you know, at 1.2 FAR on a 10,000 square foot lot you're looking at probably around ten units. So, that's sort of the general gist like a lot of the form based items in here are very similar, that that's in the ROSE overlay, so I don't want to be repetitive about them. But I will kick back over now to the Board for any questions.

Mr. Cartica: So, ten units, you're thinking. These would be apartment units that would have, you know, eliminate some of these houses that are admittedly in pretty bad, many of them are in pretty bad shape from years and years of student abuse, excuse the expression, at ten throughout this entire area, you're saying without any, the area outlined in blue is that is that what I heard, and -

Mr. Dominguez: I was saying, Bob that that a typical one of these buildings would have about ten units.

Mr. Cartica: Oh, ten units. Okay, so, and on each block would be limited to, there'd be a cap placed of two, I didn't see the language of this, but if you say it's in, I believe you, say that there'd be a cap on about two of these per block.

Mr. Dominguez: Yes, but the actual language is all the way at the end in additional guidelines, no more than two of these developments combined may be developed per this overlay zone per block. And then under that it says, maximum block areas are to be followed in order to have these developments accentuate rather than disrupt the neighborhood, a block area is defined as the lot area of the proposed development divided by the cumulative lot area of the entire block in which it's located.

Mr. Cartica: Again, the same question that I asked previously, how does the city see this as strengthening the neighborhood? You know, what's the, you know, I see some of the positives associated with this, but in your words, how do you feel, why do you feel that this would strengthen the neighborhood, how and why would it strengthen the neighborhood?

Mr. Dominguez: I think that hopefully the goal here would be to see landlords that have bad properties, essentially cash out to developers who would build in this area at this scale. Also, sort-of work force housing. Some students may rent from it, just because student rentals are crazy expensive in most of New Brunswick, even in a kind of ratty house. It's actually pretty darn crazy what some of these places are getting. You'd be shocked, I know I am. And so, the goal would be, you know, that those folks would sell, a developer would amass at least 10,000, square feet, four of these lots, and that they would build, where, you know, 30, 40 people were living, you might still have 30 or 40 people, but you have 30 or 40 people across 10 apartments rather than for 30 or 40 people living in squalor in those houses. And so now you have smaller groups, you have people who have different relationships with each other, rather than roommates you might have families, young couples. You might have some grad students; you might have some regular students that are willing to pay those rents. I know the Hamilton Street building got quite a few people who work at the city, who rented over there. And so, I think the goal is to create sort-of a workforce housing middle ground that eliminates properties that again have negative spillovers in the neighborhood, while creating new housing stock for the neighborhood, and to borrow the language from the actual re-exam, sort-of to create a natural redevelopment within that Sixth Ward neighborhood, rather than a redevelopment plan redevelopment, which the re-exam feels is probably unnecessary at this point.

Mr. Cartica: So, it's not strictly to create better housing for students. You see it as perhaps, trying to encourage other residents to move into this area because of improvements to the neighborhood and better living conditions, you know, newer buildings that are safer, that sort of thing.

Mr. Dominguez: Absolutely, absolutely I mean it's walking distance from the train station, it's walking distance to hospitals. There's no reason, I mean, there's medical staff who live in that neighborhood now. So, they might, you know, move in there and so now you have the opportunity here that even if you have roommates, instead of a crazy, you know, three roommates want to pull together on a two-bedroom apartment it's different than nine people living in a four bedroom house. So, you'll end up with a mixed bag of - and I don't mean that in a negative way, just like literally you'll have a variation of groups of people who will rent in such a building. And you'll inevitably have students in there, but you, it shouldn't be dominated by them, because there are a lot of reasons for people who otherwise are being priced out of New Brunswick, who don't want to live in a student rental, shared student rental, but also, you know, could afford the apartment, but want to stay in New Brunswick, don't get priced out or have the kinds of units that they would want to live in.

Mr. Cartica: Are there other ways that you can think of, how this plan may go wrong? That this may not go as anticipated? I understand the motivation for this and what it is you hope to accomplish. Can you think of scenarios where this may not turn out as you hope?

Mr. Dominguez: No, I think the criteria of the overlay make it onerous enough that you're not going to have people go crazy apartment-building happy. Land assemblage is not easy. And that's number one. Having limits on the block area, which is sort of a unique way to handle this, makes it again, somewhat limited and then having a minimum on the blocks is also somewhat limited, so, for example, I think that there's two on the block between Hamilton, that's Hamilton, Central and Hartwell, there was the 191 Hamilton that was built, and there was another building approved that hasn't been, I think, ground hasn't been broken yet, on a similar I think slightly smaller scale next to it that block, probably wouldn't be able to do one of these. And so, you know, the limitations, I think, you add all of those together, you're going to see some, but not many. I also think that they're going to be closer to Hamilton, rather than too much in the, in the more northern part of the neighborhood as that's where they might have an easier time, historically, in terms of lot assemblage. And it's a more intense neighborhood. So, I think that naturally it'll gravitate toward - over there. I suspect that, whereas with the other one, with the ROSE overlay, I suspected we'd see a decent bit of those types of developments on Remsen. I think with these, over a 20 year period, I wouldn't be surprised all these see a handful of them.

Mr. Cartica: Okay, and just, I'm sorry, I'm taking up a lot of time, but just one last question. If this were not, if this overlay were not approved, you know, what do you foresee as kind of the future of this, the area within the zone, this outlined area, I mean without any change, what do you see, how do you see this neighborhood progressing in the future, or regressing in the future?

Mr. Dominguez: I think that it's going to look like it does now, but add 20 years to all the housing stock. Because I don't foresee a lot, you know, knock down and rebuild of single- and two-family houses in the neighborhood. The market pressures don't really allow for that to be super profitable. And so, there's not really an investment - a natural development interest in doing that. So, the only thing that you would see is, you know, developers in this neighborhood, when they're making tweaks to a single- or two-family house, might be prioritizing trying to fit more students in it. So, that's probably not a net positive when we think of all the things that we've seen over the last 30 to 50 years. And given that the - a lot of these owners, you know, they're trying to get very nice returns on their investments, we all like nice returns on our investments, but the negative effects of basically just keeping the building at the bare minimum of legality is not a positive influence on the rest of the neighborhood and doesn't really encourage families and middle class people and people of any basically anyone who isn't a student really probably does not want to go and live in this neighborhood, and it's not going to get better unless we try something, and I think that this is a soft way to nudge some positive development into the neighborhood, without being, you know, too overdeveloped.

Mr. Cartica: Thanks a lot, Dan.

Mr. Dominguez: You're welcome, Bob.

Ms. Sicora-Ludwig: I have a question, there's nothing now that would preclude somebody from doing this, is there?

Mr. Dominguez: They would have to go to the Zoning Board for a significant amount of variances and use variances. I mean conceptually, yes, that's how the other projects were built, but this would allow it as a legal use that wouldn't require a higher standard of scrutiny through the Zoning Board. And also sets good guardrails in terms of design and not over development.

Ms. Sicora-Ludwig: Thank you. Anybody else have any questions? Do you have anything else, Dan?

Mr. Dominguez: And then there's section 10 and 11, which are basically modifications that just explain where things are going to be and where to look for them. And the amendment in the amended zoning code. So, nothing really of substance there. So, now, if there's no other questions we can, I guess, open it up to public comment.

Ms. Sicora-Ludwig: Do any Board members have any further questions? Hearing none, can you open it up to the public.

Mr. Dominguez: At this time, we are preparing to open the meeting to public comment on this hearing. In order to ensure that the Planning Board can hear from the interested public and the public can hear public comments, I will organize speakers in order by last name. In a moment, I will unmute the public call-in and at that time I will ask 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 then 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 and call by name and permitting them five minutes to speak. Once we complete the list, I will once again check to see if anyone else would like to comment and then 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 ask that you please remain silent while folks are initially unmuting themselves, again star six if you're on the phone and the mute button with the microphone if you're on computer, and then we will begin the speaker registration process. All right, so at this moment anyone with the last name starting with A, please state your full name and address.

Mr. Dominguez reads through the alphabet. Araceli Gonzalez and Charlie Kratovil are placed on the list of speakers.

Mr. Dominguez: Mr. Kratovil, you are still sworn in and your time has begun.

Mr. Kratovil: Thank you, sir. Charlie Kratovil. I do want to talk about my neighborhood, I live right near Remsen Avenue, but first, a couple questions on the other neighborhood that the zoning is being changed for what -

Mr. Dominguez: Just to clarify, it's not being changed. It's just an overlay, so the underlying zoning still remains in effect. And so, you'd have to comply with what's there before you can go ahead and do any of these types of developments, so the natural R-5A single- and two-family zone that's in the Sixth Ward over there remains the controlling zone unless, you know, you qualify under the umbrella of this overlay.

Mr. Kratovil: So, the area where you're changing the rules for development, what impact would that have on the monstrous project, at Duke and Courtland, the one that the Zoning Board approved a year and a half ago?

Mr. Dominguez: Well, I mean, they haven't really moved forward with it. I don't think that they've, there's a shovel been put in the ground there. So, I mean I think that that one was approved on its own with its own variances, I think potentially, I think that was a more intense development than anything that's being proposed in this overlay. The vision was to create much smaller types of redevelopment, natural redevelopment over there, so I would say it wouldn't really have any effect, because that got a lot of variances, that would be not applicable to this, and those variances were from the underlying zoning not the, not this overlay, which is brand new.

Mr. Kratovil: Okay. Would it count as one of the two?

Mr. Dominguez: Should that building get built, I think that it would be reasonable to count it as one of the two.

Mr. Kratovil: Well, I could see how that would pose a problem if another building gets - two other approvals are made before that building gets built, then if you can't take back that approval and you could end up with three. Also, on the two building, you know, the two development limit to this, when you say one block, do you mean one block of a certain street or do you mean the literally the shape -

Mr. Dominguez: The whole rectangle.

Mr. Kratovil: The whole rectangle. So, that block where the developer got approval to build right next to Mitch and Less' (phonetic) building, that entire block would be claimed, but only if they move forward with it.

Mr. Dominguez: Correct.

Mr. Kratovil: Okay. All right. Well, I'll move on to my neighborhood because I do love my neighborhood and I'll say that, you know, 10 years ago Mayor Cahill promised to do something to fix up this neighborhood, I was in the room at the Sacred Heart Church. He had big plans for Remsen Avenue and he ran for reelection that year. He spelled the name Remsen wrong on his campaign literature and the vast majority of the promises he made he never delivered on, and I'll be honest, I don't think you're going to find much interested developers interested in this area until the city and the county do something to help the people here and resolve some of our problems. On May 5 in broad daylight a woman was shot at the corner I'm looking at right now at Suydam and Throop. Last Tuesday a 20 year old man Dawson Bay was shot and killed at that same corner, a woman was also shot in that incident. The attitude of the city and the police has been ignorant and trying to keep the public in the dark. I have to - it's like pulling teeth to get any answers about the shootings. Here tonight it - let me check my phone - it's 34 degrees right now, it's supposed to get as cold as 27 degrees.

Ms. Sicora-Ludwig: Do you have any questions about the about the hearing itself, that Dan just presented?

Mr. Kratovil: I'm making a comment. I'm making my comment, Madam Chair, and I think that New Brunswick had more homeless people than any other town in the county, I believe as the last count, 175 of the 494 Middlesex homeless are in New Brunswick, and most of them are on this side of town in this area, and I know some of them, and I am deeply disturbed that the city turned down a grant of \$25,000, that would have opened the Unity Square Community Center, the only thing that Mayor Cahill actually delivered on was the, the turning that old firehouse into a community center, there was supposed to be a firehouse museum on the second floor, they never delivered on that because they had some shady company that failed to deliver, but now they're using it as the Code Blue shelter, but they haven't opened it yet, because they're insisting on waiting until it gets super-duper cold, (inaudible) degrees is what the state law says, and instead people on a night like tonight, where is going to be 27 they have to go out all the way to Perth Amboy, a four hour walk, to get to a to get to a warming center tonight, because our leaders are failing the people here, and the explanations that they don't want homeless people gathering in New Brunswick, so they'd rather let them die out here in the streets, just like people are being shot and killed here. We need help from the city and the county, not developers, and so I apologize for being a little off topic here, but I do really care about this neighborhood and I'd like to see more from the leaders of the city, than just a strategy that involves relying on developers to help us fix up our neighborhoods that they were promises made, and they have not been delivered on. Thank you.

Mr. Dominguez: Is there anyone else who wants to comment who didn't get a chance?

Araceli Gonzalez: I'll comment.

Mr. Dominguez: Is this Araceli again? I'll just ask if there's anyone else, also? All right, seeing none. You're still sworn in, your five minutes are begun.

Araceli Gonzalez: Yeah, I just ask that you stop treating Mr. Charlie was such dismissiveness. I think you know that he's representative of this community. As stated before, it's usually (inaudible) come here and speak, I just -

Ms. Sicora-Ludwig: I want to interrupt for one second. If you have public comment, you can make that after. This is strictly regarding the overlay sections and the amendments to the zoning ordinance. So, if you have comment on that, please feel free and if not, you can make your comments, your general comments in the general public portion.

Araceli Gonzalez: I think my comments are related to the comment that was just made now and the way this section is going.

Ms. Sicora-Ludwig: If you can tie it in somehow, please.

Araceli Gonzalez: Yeah. Okay, yeah. I just asked that during these portions you listen to people that come here that represent the community. Be a little more respectful, because when you disrespect people that are here representing their community, you're disrespectful of the community. And I don't think - I think you're taking this personal dislike towards a person and not understanding this is about a community, not one person. Since I can't say any more until public comments, I guess that's all I'll say.

Ms. Sicora-Ludwig: Please, if you have you have concerns or questions regarding the amendments for the zoning ordinance, please feel free to say so. That's what this is for.

Araceli Gonzalez: Yeah, I understand.

Mr. Dominguez: All right. Madam Chair, there's there are no other commenters.

Ms. Sicora-Ludwig: Okay, can we have a motion from the Board, please.

Motion to Approve

I. Dale Vickers

II. Ryan Berger

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

VII. DISCUSSION ITEMS

A. CHANGES TO BOARD RULES REGARDING PUBLIC COMMENT AND INTERACTION

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Ms. Sicora-Ludwig: And we did our other matters of Board business before, so now we'll open up the floor for the public for any other comments they may have.

Mr. Dominguez: At this time, we are preparing to open the meeting to general public comment. In order to ensure that the Planning Board can hear from the interested public and the public can hear public comments, I will organize speakers in order by last name. In a moment, I will unmute the public call-in, no I won't you'll unmute yourselves, star six or the microphone, and at that time I will ask those with the last name starting with A to provide me your last name, first name and I will then 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 and call by name and permitting them five minutes to speak. Once we complete the list, I will once again check to see if anyone else would like to comment and then 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 ask that you please remain silent while folks are initially unmuting themselves, and then we will begin the speaker registration process. Anyone with the last name starting with A, please state your name.

Mr. Dominguez reads through the alphabet. Araceli Gonzalez and Charlie Kratovil are placed on the list of speakers.

Araceli Gonzalez: Yes, I know people watch this recording later on so I just want to say to people watching to pay attention to how these meetings go, how people are treated when they come here to speak for their community. And just certain things, like the things that Charlie says - these causes I, a lot of times I don't even know about them, or I'll hear about them through his page or on social media, information not available to us easily. I didn't know about the grant that was abused. And, yeah, I just want - I just hope that people are paying attention to who is putting the community first and who is dismissing it. Thank you.

Mr. Dominguez: Thank you. Next up is Mr. Charlie Kratovil, you're still sworn in. You're on.

Mr. Kratovil: Yes, thank you Mr. Dominguez, Charles Kratovil, New Brunswick, New Brunswick Today. First question is for you, Madam Chair. Were you present for the June 3, 2019 event celebrating the announcement of the Cancer Institute?

Mr. Aithal: Madam Chair, just so we're clear, the public comment period is for comment by public, not a question and answer period.

Mr. Kratovil: Thank you. I'll continue with my comments and questions. Mr. Petrolino, I believe, by the way, Chair, you said yes you were there. Right?

Ms. Sicora-Ludwig: No comment.

Mr. Kratovil: You're not going to say if you were there or not?

Mr. Aithal: As stated earlier, this is a period for public comment. If Mr. Kratovil has any comments that he'd like to make this time.

Mr. Kratovil: I would suggest that if the Chair of the Board was present for an event celebrating a development coming before this Board, she should not have chaired the hearings on that development, you have any comment on that, Madam Chair? Or Mr. Attorney? Okay. And for the record you refused to say whether or not you were there.

Mr. Aithal: For the record, this is a question and answer period, and Mr. Kratovil has now been told two times that this is not a question period, this is public comment, my apologies to interrupt. This is a public comment period, not a question and answer period.

Mr. Kratovil: I've heard you say this many times before, it doesn't change the fact that this is one of the only places I can go to get answers to my questions, and that it's up to the Chair and not you whether or not to answer the question, so I'm going to direct my question for the Chair, as they're supposed to be. In the resolution you're approved tonight, because Mr. Petrolino was present during the continuation of the hearing on November 9, but prior to the vote on the application was disconnected from the virtual meeting portal, and was unable to reconnect to the meeting portal, due to technical issues with his computer, Chair, through you, could you please have Mr. Petrolino address what happened and if this is actually what happened, why didn't he call in on the telephone to finish his participation in the meeting that night and to be able to cast a vote.

Ms. Sicora-Ludwig: That's something you want to answer Mr. Petrolino.

Mr. Petrolino: You know, I have internet that I use, and unfortunately, not to disperse the excellent reputation of Verizon, but sometimes their service does not cooperate and at the time that it was disconnected I did not have my phone handy to rush to it and dial back in, and unfortunately, I was not able to include my participation in the meeting, and I certainly do not vote on the matter and that's just what happens when we live in a technologically advanced society.

Mr. Kratovil: Thank you. I wish it had been able to be a part of the vote. Moving on. Madam Chair, through you for the Secretary, has a revised application for the parking deck for the RCINJ, been received by the planning department?

Mr. Dominguez: Sorry, I think I was muted. Um, I think it's up on the website. It should be up since Friday. So that would have been 10 days before the Monday, hearing. Yeah.

Mr. Kratovil: Well, thank you, I do recall, specifically multiple times asking to be notified when the application was received.

Mr. Dominguez: So, my apologies for not getting back to you we got it on, we got the amended drawings and we put them up. I apologize for not relaying that information to you.

Mr. Kratovil: Thank you, I'd like to ask for an adjournment in light of that so that I can have full time to be able to review the documents, can you postpone the scheduled hearing?

Mr. Aithal: This is not where adjournments are asked for.

Mr. Kratovil: Okay, I'll put it in writing. Also want to formally object to, you know, a number of things with this, I will be putting it in writing to the Board Secretary and I hope that all the Board members will read it. You know, not only was I not provided with the requested notification, but now you change the rules for public participation in between the two hearings for the parts of the same project after a record number of people participated in the first hearing. So, you've gone on now and taken a response to that by trying to limit it, so I have to object to the changing of the rules, highly suspect given the volume of public testimony questions was so great. And so overwhelmingly against the applicant.

Mr. Dominguez: You've hit time so just please, if you can just wrap up your thought.

Mr. Kratovil: Sure. The real question here is who will pay for this parking deck. The information that we've been provided in the narrative by the applicant, that the structure will be a public lot to the New Brunswick Parking Authority, they have not submitted a revised narrative, and that what they say does

not comport with what the Parking Authority says and what the Improvement Authority's been told, it's all, it's all a big mess. It's extremely problematic and Mayor Cahill's representative shouldn't participate, Ms. Sicora-Ludwig shouldn't participate. Anyone at Bob Smith and Associates should not be participating in this application for the RCINJ project, and I'm going to continue to fight it. I look forward to getting a copy of the resolution that you passed tonight so that I can challenge it Thank you.

Ms. Sicora-Ludwig: Do we have any more public comment?

Mr. Dominguez: I believe not

Ms. Sicora-Ludwig: okay hearing none, public portion is closed.

IX. ADJOURNMENT