



CITY OF NEW BRUNSWICK  
PLANNING BOARD  
February 10, 2020  
MINUTES

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

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S JANUARY 13, 2020 MEETING

Motion to Approve: Chris Stelatella  
Second: Suzanne Sicora-Ludwig

	YES	NO
Jeff Crum (Chairperson)	✓	
Manuel Castaneda (VC)	✓	
George Chedid		
John Petrolino	✓	

Robert Cartica	✓	
Diana Lopez		
Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)		
Yelitssa Checo (Alternate #2)	✓	

Approved.

**V. RESOLUTIONS OF MEMORIALIZATION**

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

Motion to Approve: Suzanne Sicora-Ludwig  
 Second: Chris Stelatella

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

*Approved*

**VI. PUBLIC HEARINGS**

**A. NB HOTEL GROUP LLC / 19 STATE ROUTE 18 / BLOCK 710.02, LOT 6.06 (PB-2017-05)**

Amendment of an approved site plan to remove the previously approved grass paver strip, reduce the minimum sidewalk width when adjacent to parking spaces and remove other sidewalk areas. The applicant is proposing a net zero change to the previously approved impervious coverage on the property.

**Aravind Aithal (Board Attorney):** Mr. Chairman, if I might interrupt, we have a super majority today. We need seven members to proceed with the hearing. So, if there are no conflicts, perhaps there are some members that...

**Dan Dominguez (Acting Director, Department of Planning, Community and Economic Development):** Nine.

**Mr. Aithal:** Sorry, nine members.

**Manuel Castaneda (Vice Chairperson):** I have a conflict that will arise in the second portion of the hearing, so I ask to be excused.

**Jeff Crum (Chairman):** You are excused.

*Manuel Castaneda leaves.*

**Thomas Kelso (Applicant's Attorney):** Members of the Board, on behalf of the applicant, NB Hotel Group, LLC, we are here before the Board to ask for consideration of several minor changes to the previously approved site plan. This project, if you recall, was approved in 2017, November, by this Board for the development of a new Hilton2 Hotel on the site of the former Bennigan's location, which is currently under construction. We evaluated the site conditions and other aspects associated with the plan. It was considered that there were several engineering changes that they felt were appropriate for this site that we'd like to present to you this evening.

There were also several other changes that we submitted to the city and the city determined that they were acceptable administratively, so although there were several others which involved a lighting issue, as well as the location of an existing sanitary line in South Brunswick, those issues have been resolved. So, we're left with the following. The first request we are making is to remove certain grass pavers, which were previously approved along the westerly, northerly and easterly parking bays. This is for maintenance purposes. We are looking to reduce the minimum sidewalk width adjacent to parking spaces from 6 feet to 4 feet on the southernly side of the building only. And, finally, to replace various sidewalk areas with grass to maintain a previous approved impervious coverage. The subtotal of these changes keeps the impervious coverage as it was before, and it involves the sidewalk and grass pavers. With that, I call on my only witness, Mr. Michael Rodrigues.

*Michael Rodrigues is accepted as an expert witness by the Board.*

**Michael Rodrigues (Applicant's Engineer):** This is the site plan that was submitted to the Planning Department's office with respect to the request that we're making. Just to orient everyone, north is straight up on the plan and the site is located at the jug handle between Route 1 North to Route 18. Generally, we reduced the originally proposed sidewalk areas. The effort was to reduce what we were using within the parking area, grass pavers to reduce the overall pervious coverage to match that of the Bennigan's site originally. When the plan was originally approved, we had a 3 ½ foot grass paver strip that ran along the westerly, northerly and easterly sides of the parking spaces. From a maintenance standpoint, that was not exactly ideal, so as a second thought we moved back the sidewalk to try to match the impervious coverage in other ways. Essentially, sidewalk

was running around the entire building perimeter, but it was rather superfluous especially in the northwesterly corner here, this westerly point and the area connecting this northerly sidewalk to the patio here on the easterly side of the building. So, we removed those areas and then, in addition, this long stretch along the southerly side of the building, and by providing curb stops we prevent vehicles from overhanging onto the sidewalk. We basically looked to maintain a four-foot-wide pathway that way, versus the ordinance requires 6 feet when the sidewalk abuts parking spaces.

**Mr. Kelso:** And just to give a little bit more of an orientation, where is the main entrance and any secondary entrance to the proposed hotel?

**Mr. Rodrigues:** The main entrance to the lobby is on the easterly side of the building. Secondary to that would be on the northerly side.

**Mr. Kelso:** So, the location where you are looking to reduce the width of the sidewalk is not located in those areas?

**Mr. Rodrigues:** It is not.

**Mr. Kelso:** Can you point out again where that is? Where you're looking to reduce the sidewalk.

**Mr. Rodrigues:** On the southerly side here along these parking spaces that abut the southerly side of the building.

**Mr. Kelso:** If you can point out again where the grass pavers were towards Route 18? Being removed.

**Mr. Rodrigues:** There was a 3½ foot wide strip at the head of the parking spaces away from the traveled way along these westerly bay of parking spaces, the northerly bay and the easterly side here. Just along the perimeter of the property, basically out of everyone's way.

**Mr. Kelso:** And as a result of these changes, are there any changes to the stormwater calculations, stormwater management plan, that was submitted and approved by the city?

**Mr. Rodrigues:** No changes to that, as we've maintained the impervious coverage.

**Mr. Kelso:** So, the impervious coverage remains the same?

**Mr. Rodrigues:** Yes.

**Mr. Kelso:** Are there any other changes that are being proposed, as far as this application in front of the Board?

**Mr. Rodrigues:** No, this is it.

**Mr. Kelso:** That's all the questions I have for Mr. Rodrigues. Essentially that's all we're here for. We have no other witnesses.

**Mr. Crum:** I have two quick questions. Can you explain where the additional impervious coverage is being added? Or the pervious coverage?

**Mr. Rodrigues:** The sidewalk is being eliminated between these four parking spaces in the westerly alcove towards the north here, leading south to this point. That's been removed. And the connection between the northerly sidewalk and this patio here along this northeasterly corner of the building.

**Mr. Crum:** Those are now pervious surfaces?

**Mr. Rodrigues:** Yes. In addition, the two feet of sidewalk along the southerly side.

**Mr. Crum:** Is there any concern about cars coming in, that's a pretty tight turn there, is there any concern that cars will be hanging further out into the drive lane? Because you're adding a barrier to prevent the cars from overhanging the sidewalk?

**Mr. Rodrigues:** Are you talking about the southerly side? The curb stops? Yeah, the curb stops are intended to stop the wheels about 2 feet away from the curb so that the bumpers only overhang right to the curb line.

**Mr. Crum:** You're not worried about any cars being further to the south, the spaces are long enough to accommodate...

**Mr. Rodrigues:** Yes, they're 18-foot spaces, which is much longer than vehicles are typically.

**Mr. Crum:** Ok.

**John Petrolino (Board Member):** Mr. Rodrigues, on the left-hand side, to the west, you said you were removing some sidewalk on the western side, there are some parking spaces there, is there any consideration with respect to safety of the individuals maneuvering through the parking lot?

**Mr. Rodrigues:** No, these four parking spaces can lead into the building right here.

**Mr. Petrolino:** What was the purpose of that sidewalk in the first place?

**Mr. Rodrigues:** In this area where we're removing it? It was to maintain a circular, I mean, you could walk around the building. That's not really how people function at the site I don't think. I think they would go to the path of least resistance, the shortest path. These four spaces can access the building through this door.

**Mr. Petrolino:** Yeah. Just considering if other spaces are taken and folks checking in don't have a key, I'm assuming that back door is key access only. So, if you're parking there and you don't have a key, you'll be exposed to traffic maneuvering and parking.

**Mr. Rodrigues:** Yeah, I don't think that's a major concern for us.

**Mr. Kelso:** That completes our presentation.

*Open for Public Comment*

**Charles Kratovil (Resident):** Good evening members of the Board, I will be brief. You've already heard this application before and approved it. It was out of place and not a good site for any type of major development. It's a 109-unit, four story hotel. It's in the middle of a highway traffic circle and I don't think it's wise to move ahead with it. It seems like the developer is coming back and asking for more now with the building already under construction. You're in a difficult position here, but I don't think that granting further variances are in order.

**Mr. Kelso:** We're not asking for a variance.

**Mr. Kratovil:** I apologize. For further requests by the developer that are required by law for them to develop in this manner. I think it's problematic that they didn't come to you before they started construction, plans should be in order before the construction starts and now we're in a situation where you have a partway completed construction project and they're asking for more now, and so I think at this point that that's not something the Board should look kindly upon and you may want to reject some of these requests.

**Mr. Kelso:** This routinely happens, project after project, based on the site conditions, it's not uncommon.

**Mr. Kratovil:** Maybe for this guy's clients, but it's not how it should be.

**Mr. Kelso:** He's wrong.

*Public Comment Closed*

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

Motion to Approve: John Petrolino  
Second: Chris Stelatella

	YES	NO
Jeff Crum (Chairperson)	✓	
Manuel Castaneda (VC)		
George Chedid		
John Petrolino	✓	
Robert Cartica	✓	
Diana Lopez	✓	
Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)	✓	
Suzanne Sicora-Ludwig (Class III)	✓	
Dale Vickers (Alternate #1)	✓	

Yelitssa Checo (Alternate #2)	✓	
-------------------------------	---	--

*Approved*

**B. JERSEY-SANDFORD REDEVELOPMENT PLAN**

Planning Board review of the proposed Jersey-Sandford Redevelopment Plan.

*Mr. Dominguez is sworn in as an expert witness.*

**Mr. Dominguez:** Today I am presenting to you and the public here a redevelopment plan for what we call the Jersey-Sandford Redevelopment Plan, it runs from Sandford Street, you can see on this plan, to Lake Street just before Mitchell Avenue. These are four lots on the northern side of the railroad tracks. This is 90 Jersey Avenue; you may know it as where PRAB currently is. This is 100 and 120 Jersey Avenue, both old factory/warehouse buildings both about three to four stories tall, currently holding a multitude of uses, light industrial and office types, this has a smattering of small buildings over here, many people know it as the Rhone-Poulenc site. It is currently a largely undeveloped brownfield. And so the purpose of this redevelopment plan...

**Mr. Aithal:** Sorry Mr. Dominguez, can we mark that as A-1?

**Mr. Dominguez:** Yes, certainly. Now, as you've all gotten a copy of the redevelopment plan sometime last week, and there are a few copies there on the table for review, it's about fifty some-odd pages, and if there's any typos or mistakes, I did use Mr. Patterson's Ferren Redevelopment Plan as a base because I thought it was a very good template, so I apologize and the final version will have them corrected. I've had quite a few people look this over, but you never know. We have considered this site and this area as ripe for development for some time, but we haven't been motivated to act until sometime last year when we were approached by a developer named Accurate Builders, who approached us and said he was in the process of gaining site control of this site and we thought it would be an optimal time to create a redevelopment plan for these four parcels in the vision that we had. We had the vision of creating new construction here of about 600 to 700 units, landing on 660 apartments, plus about 190,000 square feet of office, lab space, R&D, brand new, state of the art, possibly some restaurants and co-working space and enough parking for all the facilities. Here we have a little cut out, NJ Transit will be carving this out from this parcel as a yard for fixing up their trains or maintenance, but they're taking it away from whoever owns it right now. And so we're hoping as redevelopment trickles out this way, with the newly-amended Jersey-Handy Redevelopment Plan, with this development, and possibly there being a new development, a new school, here, and the fact that we have an existing residential area here with Lincoln Gardens neighborhood, that this area be converted into more of a transitional neighborhood with housing, as well as light industrial, high tech uses before you get into the heavier industrial side of town. I believe that this redevelopment plan does accomplish those goals, you've all had a chance to review fifty some-odd pages.

**Mr. Aithal:** Mr. Dominguez, before you get to A-3, can you mark A-2?

**Mr. Dominguez:** This is a rendering of what a proposed development would look like on the site. We would have 660 units. Now, 660 units would be based on a maximum buildout with a density bonus for 10 percent affordability baked into the project. 10 percent

affordability would guarantee 66 units of affordable if the developer were to pursue all 660 units that they're able to develop, split over two buildings with nice interchanges inside the building. The developer would open up this area here. The developer would remediate the brownfield site, the rear would be turned into a park for the city, it would be privately owned and privately maintained, but we would have a 99-year easement with the developer so that this park would be publicly accessible to all residents of New Brunswick and anyone who wants to use it at all times. And with that, this is a hefty document and I will put it up to the Board for any questions that they might have.

**Bob Cartica (Board Member):** These renderings, these are just concepts, correct? Is this an actual plan, these aren't reflected in the plan you've provided.

**Mr. Dominguez:** No, these are very recent. There's a hypothetical in the plan that you're referring to that was an early draft concept when we were conjuring up the development here and considering that there isn't a site plan for the Board, this is just a redevelopment plan, things could still change, but as of right now Accurate Builders did commission this by their designer Lessard Design, this is what they envision for the site as of right now.

**Mr. Crum:** Two thoughts that I wanted you to think about. The city has done an amazing job creating bike lanes, most of those are on street. Given the access to NJ Transit and the need to create a buffer there, could we look to ensure that the redeveloper could provide, what I think could begin to be an off-road bikeway that would run adjacent to the rail line, recognizing that were only creating a part right now, but hopefully long term could run closer to downtown and then also to the southwest.

**Mr. Dominguez:** It's a possibility, one that we hadn't considered. There are conflicts with whatever NJ Transit chooses to do with this, as well as the property ownership here and other properties and developments, so I think it's probably a big lift. There's a concern here, let's say we were to accomplish that, and it just ends here and here, and it's never built on, it's sort-of a problematic amenity. But I don't disagree with you, it would be nice to have some more interconnectivity with the bike lanes. However, for what it's worth, we do have some locked in bike and E-scooter parking on this site, as well as hopefully solar powered canopies.

**Mr. Crum:** My thought is you get one opportunity, right? So, the chance is the site more to the east is also going to be redeveloped, so we can't come back in the future and say now create a bike lane. If there's a site that's going to come to the east, which I think is owned by...

**Mr. Dominguez:** Technically the other redevelopment plan is one block over, so it ends here on Delavan Street. The redevelopment area/plan covers up to Sandford. The other developer, which is Edgewood Properties or some variant, a Jack Morris entity, their development stake ends at Delavan, so they're not developing Sandford Street. At least not at the current juncture, those properties are owned by a whole host of different property owners, there might be a few houses there, garages, so you do have a block of discontinued ownership as a break between the two sites.

**Mr. Crum:** But it is vacant land and the most recent version of Google Maps that I looked at there is actually a dirt path right now. So, I would recommend that we try to add to the opportunities for creating off-road access for bikes and pedestrians, I think it would be a

nice amenity and I think if we tried to insert it now, the cost would be much more de minimis than if we tried to go back. So, I would like to see the plan reflect that. The other question that I had was on the affordable housing component of the plan. Two thoughts. One, affordable housing is not defined, so I think leaving it in without any sort of definition creates a problem going forward. And I would think that, most inclusionary zoning ordinances require 20 percent, so I think it's worth consideration, even if we said 10 percent workforce, 10 percent affordable, or if we defined 10 percent below a certain AMI, like below 60 percent AMI, giving the developer options, I'm fine with that, but I think that we should consider a higher percentage that's not overly onerous, when you're taking about workforce housing, these are people making up to \$100,000 dollars, so I think it's worth adding an additional component. Those are my comments.

**Mr. Dominguez:** We will take that under advisement.

**Mr. Cartica:** So, you indicated in the plan that there will be no exercise of eminent domain, correct?

**Mr. Dominguez:** Yes, so Accurate Builders, I believe, owns three of these parcels and has site control of the other site, so not only do they basically have site control of the whole area, as a redevelopment plan for an area in need of rehabilitation, there could not be any eminent domain.

**Mr. Cartica:** And there are also no residences in the area?

**Mr. Dominguez:** Not a single one.

**Mr. Cartica:** But there are some businesses?

**Mr. Dominguez:** Correct. There are some businesses on the site and there is a component in the rear of the plan allowing for the window of first refusal for those businesses to move into the space that's being created, as well as we created a phasing component to the plan to encourage the developer to just build this out, completely eliminating everything here, only to then lag on this site, or build this out very slowly, giving an incentive to build this out so we would have this as an opportunity for these folks to move back in here, should they choose.

**Mr. Cartica:** I was wondering how practical that is, in terms of their ability to be able to keep the businesses on site.

**Mr. Petrolino:** Can you educate me a little bit, the approval of the redevelopment plan, what are the binding consequences of the approval of the plan? Are we then locked into what we approved? Obviously, this is not a site plan.

**Mr. Dominguez:** So, this a vote on advice and consent to refer back to city council, who will then approve a plan with or without a variation or some of these edits into the plan. They would adopt it should you act favorably and technically they have some sort of authority to impose that, even if the Board were to act negatively, with rationale. They would adopt it by ordinance and then if this developer, or any developer, comes in with the correct criteria and are designated a redeveloper by the redevelopment authority, which is the New Brunswick Housing Authority, they would be the designated redeveloper and

would be able to present a site plan based on the parameters of this plan, as adopted by city council.

**Mr. Crum:** But they could still come back for variances? If they wanted build something that is different from this, just as we've done in the past?

**Mr. Aithal:** So, it's called deviations, for some reason you change from variances.

**Mr. Cartica:** So, you have a developer that approached the city on this?

**Mr. Dominguez:** Right.

**Mr. Cartica:** This plan would become an RFP that would go out, and other developers could...

**Mr. Dominguez:** Well, no. We would adopt it and it would sit. This is public notice. If anyone is interested, they could come through. We're not going to advertise this; I'm not going to put this whole thing in the paper. But if anyone hits the criteria, the redevelopment authority can grant them redeveloper status. In fact, we want to proceed with this development, should this developer who approached us, should they back out, we still think this is a good idea, something we want to pursue. Particularly for the creation of state-of-the-art lab and office and R&D space, we think it would benefit the city with all the "eds and meds" that we do here anyway. We already have some of that going on out this way and it would be good to have some higher quality stuff going on over here if we could do so. As well as the ability to rehabilitate several acres of brownfields and actually create a park. That's the goal. So, we want this whether or not the current developer backs out, or another developer. This is what we'd like to see.

**Mr. Petrolino:** If the developer comes to the Board seeking deviations, does the Board have the opportunity to decide on the merits of those deviations and to the extent that they require modifications from what is approved today, we will have an opportunity to provide additional "asks" as offsets for any deviations.

**Mr. Dominguez:** As with any other site plan.

**Mr. Petrolino:** I'm trying to understand what we're locked into by approving the redevelopment plan.

**Mr. Dominguez:** You're locked into these boundaries. If they ask for deviations, then it's like any other plan that comes before here with a request for variances and you can act accordingly.

**Chris Stellatella (Board Member):** That wouldn't come to this Board, that would go to Zoning Board?

**Mr. Dominguez:** That depends if it's a "d" variance. Which, I think this plan only permits two or three kinds of "d" variances. It's in the back. So, certain of the "d" variances would not be allowable under this plan.

**Mr. Stelatella:** Just to point out, this project has already purchased the land. The developer has already purchased the land, they drew up the conceptual designs, so this, although we're making this template for them, they're obviously on board with it because they're already moving forward. So, we're not expecting them to come back and say they want 800 units, they've already come forth at a certain point saying this is what we would be happy with. Correct?

**Suzanne Sicora-Ludwig (Board Member):** And it fits in with the master plan of the city. That area is in need of redevelopment, and it brings mixed use and housing, and the tech in, which we're starting to rely on heavily in this area, so it's a good project that fits the master plan.

**Mr. Dominguez:** Yes, and the state.

**Mr. Cartica:** Is there any consideration as to how this development affects the surrounding neighborhood? Of course, the park is an amenity for everyone, that's a positive, but any comment on that?

**Mr. Dominguez:** Well, I believe the plan calls for the developer to go to out of pocket for a signalized intersection here, and presumably they'll have to do a traffic study of what impact they'll have on the neighborhood, there is the Lincoln Gardens neighborhood over here, this road connects to Route 27 and can be somewhat problematic from time to time. There is a lot of activity here, but we've tried to minimize the inlets on the Jersey Avenue side, to have a parking deck on the rear and have access to the back of Sandford here against the railroad tracks, which was our preference to minimize the traffic on Jersey Avenue, as it is a somewhat flowy corridor that people use to get to work. Additionally, with the possibility of a school going here, this redevelopment contributes to the overall improvement of the area, it's a better set of uses across the street from a potential school. Ultimately, the developer would have to present the traffic study as well as any other issues that crop up and we'll review that with our Board Planner and Board Engineer and they'll all have to present and answer questions to them before this Board for site plan review.

*Open to Public Comment*

**Mr. Kratovil:** Since Mr. Dominguez mentioned it, the possibility of a new school here, does the city know what kind of contamination is present on the site?

**Mr. Dominguez:** I'm unaware.

**Mr. Kratovil:** This site is referred to as a brownfield as well. You said Rhone-Poulenc?

**Mr. Dominguez:** Yes, it's some sort of French name.

**Mr. Kratovil:** Any idea what kind of contaminants are present?

**Mr. Dominguez:** No. But the developer would have to bring it up to enough standard that you could actually have a park there and you could have office and lab space, it's regulated by the state, they would have to, at a minimum, bring it up to that standard.

**Mr. Kratovil:** The director mentioned some incentive to try and get them to do the more difficult part first, the contaminated site first, so the folks could maybe only move once if they're going to have to move, businesses being relocated. What is that incentive?

**Mr. Dominguez:** Well, no, it's just phasing, so we're dictating how the developer would phase out their project.

**Mr. Crum:** This is sort-of anecdotal, but there are brownfield remediation monies that if you create a park that is municipally owned, there is actually state funds allowing you to complete that remediation. There's probably strategic and business alignment as to why you would want to do that.

**Mr. Kratovil:** That reminds me of a question I wanted to ask, I think that it's a not great idea to have it to be a privately owned park, which is what it was said it would be privately owned with a 99-year lease, or easement, to the city to guarantee access at certain times of the day, and as somebody that has been coming to your meetings for many months complaining about a prior promise for private land to be publicly accessible, I think that's a bad way to go, because it ends up that the private folks don't keep their word and I have no experience with this developer, no reason to doubt them being good on their word, but I would prefer a city owned park and maybe that could open up the opportunity for greater resources to make that park happen.

**Mr. Dominguez:** So, to jump to your other thing, no more than 360 residential dwelling units may be completed before beginning construction on non-residential components. The remaining residential units may be constructed in parallel with the additional development components, but a certificate of occupancy for the additional units will not be provided until at least one non-residential building receives its certificate of occupancy.

**Mr. Kratovil:** So, it doesn't necessarily mean the tenants won't have to move twice.

**Mr. Dominguez:** No. But it does depend on how this would be developed. The designated redeveloper will be expected to offer the right of first refusal to rent space in the new non-residential development to the existing tenants of 90, 100 and 120 Jersey Avenue until the new non-residential developments are occupied or 12 months have elapsed from their certificate of occupancy, whichever comes first.

**Mr. Kratovil:** I will just summarize by saying I feel like the Board could use some more information as to the types of contamination, so we can make a judgement about what type of timeline is realistic for developing this park, so that you can make sure the incentives are actually going to ensure that folks don't have to move twice, prevent that from happening, I think that would be better than if you can't. We should also make sure the developer is serious about the cleanup.

**Mr. Stellatella:** Realistically, when they propose a site plan, that's when all that information is available to us. The conceptual portion actually has nothing to do with what's going in, it's a template of what we would like to see. So, when the site plan comes up, that's when we get all the additional information from whatever developer takes this project on.

**Mr. Kratovil:** Sure, but there's a phasing component. It would make sense to know how long the remediation would take.

**Mr. Aithal:** As I understand, Mr. Kratovil's comment, this Board is really just sitting in as advice, in an advisory role. Council is the only one who make an ordinance that would incorporate whatever they felt was appropriate, they're asking for our input. Mr. Dominguez will go back to council with a "this is what the Board opined" and city council would make that decision, we wouldn't have jurisdiction until it came to site plan.

**Mr. Crum:** We have no jurisdiction over environmental regulation at all.

**Mr. Aithal:** No, that's DEP.

**Mr. Cartica:** The park question. The city views the private maintenance of the park for 99 years as a good deal, as opposed to being a city owned and maintained park?

**Mr. Dominguez:** There is a benefit of having private maintenance and public access. For sure, the city does see that as a benefit. There is also the fact that I do believe the developer will feel pressure by his tenants to maintain the park at a high standard, if there's potential restaurants, retail and interconnectivity to the residential that they'll want to fill at 90 percent, they'll want that to be an amenity, not an eyesore. I think they'll be able to take care of that park in a way that bureaucracy sometimes makes it hard to take care of our parks, at the same time essentially granting us 100 years of access as if it were our own park, we could qualify it in our inventories of open space to some extent. And you never know, in the next 10, 15, 90 years, how we'll feel about the park, whether or not the city will take action to fully absorb the park.

**Mr. Crum:** This type of arrangement is becoming more and more common. Military Park in Newark, for example, has a private operator. Think of The Yard, think of public spaces essentially run by Rutgers.

**Mr. Dominguez:** Several parks in New York City.

**Mr. Cartica:** I definitely see the advantage. But it's developable in the future.

**Mr. Dominguez:** It is potentially. But 100 years from now, we may want to develop it. I think this is a good middle ground. The city has a park currently that's in a similar situation, Pine Street, aka Recreation Park, that's on perpetual 10-year leases with Rutgers.

**Mr. Petrolino:** I would appreciate it if city council could ask of the developer, in addition to a right of first refusal, there be some consideration of increasing rents, at least for the first 12 months, so we're not giving someone an option in name only, if it doubles their rent.

**Mr. Crum:** Do you want to define that?

**Mr. Petrolino:** Basically, 20 to 25 percent, I think the people there deserve a shot to enjoy the benefit of the redevelopment.

**Mr. Crum:** On a per square foot basis? I want it to be clear so there's no ambiguity. Do we have any more recommendations for the plan? I think there are three? I heard three potential

modifications to the plan, one was a 20 percent maximum increase on a per square foot basis for commercial rent for a 12-month period.

**Mr. Petrolino:** For those that have the right of first refusal.

**Mr. Crum:** Number two, my thoughts on the affordable housing would be to have either a requirement of 10 percent below 60 percent AMI or 10 percent below 120 percent AMI and 10 percent below 80 percent AMI. And I would like the inclusion of a bike and pedestrian way adjacent to the railway and running through the park.

**Ms. Sicora-Ludwig:** So, Mr. Dominguez, when you present this plan to council, will it be your plan and just something we discussed, it isn't something that we have to follow obviously.

**Mr. Dominguez:** I'll take all of these items under advisement and I will prepare a report back to council. We'll probably not have this at the first council meeting, but at the following to give time to prepare said report.

**Mr. Crum:** If anyone has changes to my thoughts, please don't hesitate to speak up.

**Ms. Sicora-Ludwig:** Well, I guess what I'm saying is are those three items necessarily going to be in your recommendation, or will they be taken under advisement.

**Mr. Dominguez:** For the moment, under advisement. They will definitely be in the report and there will be some assessment as to how it would fit in the scope of the general plan.

**Mr. Crum:** What I'm proposing is I think we should say, as a body, what we would like or not like. So, if were saying one, two, three, none, that's fine, but I think we should make a formal, yes, we're recommending this plan, plus these additions.

**Mr. Dominguez:** The report will reflect that.

**Ms. Sicora-Ludwig:** That's what I'm saying, I'm not sure I'm on board with all three of those additions. So that's why I'm wondering what the process is.

**Mr. Dominguez:** Ultimately, it will be in the report and we will assess how those three would fit into the plan. Whether or not all three make it into the presented version of the plan remains to be seen.

**Mr. Crum:** So, I want to be more clear. I would like the Board to be voting on a very clear set of instructions to the city council. This is what we, as a body, want to approve. It's the plan, and then we have three amendments to that plan. We can vote on them separately if we want, right?

**Mr. Aithal:** That's correct. It would be the consensus of the Board, as a recommendation that Mr. Dominguez would be bringing back to council.

**Mr. Crum:** I propose that we take a vote on adopting the plan, and then for each addition as a separate vote. Let's do that. We'll take four votes now. Any additional public comment? The first vote that we're taking on is the approval of the redevelopment plan.

Motion to Approve the Redevelopment Plan: Suzanne Sicora-Ludwig  
 Second: Chris Stelatella

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

**Mr. Crum:** The second vote will be on the amendment to have an upper boundary on the increase rent of 20 percent per square foot for those commercial tenants who could be displaced and would be eligible for relocation.

**Mr. Aithal:** Mr. Chairman, if I could be clear, this would be a motion to recommend to council that they amend it.

**Mr. Petrolino:** If there's a different number that would make anybody more comfortable, I'm happy to discuss it.

Motion to Recommend the Amendment Relating to Commercial Rents to Council: John Petrolino  
 Second: Ryan Berger

	YES	NO
Jeff Crum (Chairperson)	✓	
Manuel Castaneda (VC)		
George Chedid		
John Petrolino	✓	
Robert Cartica	✓	
Diana Lopez	✓	
Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)		✓

Suzanne Sicora-Ludwig (Class III)		✓
Dale Vickers (Alternate #1)	✓	
Yelitssa Checo (Alternate #2)	✓	

**Mr. Crum:** Our second amendment proposal to the city council would be to modify the affordable housing language to give the developer two options, one would be to produce 20 percent affordable with 10 percent being at 120 percent AMI and 10 percent being at 80 percent AMI, or 10 percent at 60 percent AMI.

Motion to Recommend the Amendment Relating to Affordable Housing to Council: John Petrolino

Second: Ryan Berger

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

**Mr. Crum:** And the third proposal was the inclusion of a bike and pedestrian way running along the rail line.

Motion to Recommend the Amendment Relating to a Bike and Pedestrian Way to Council: John Petrolino

Second: Bob Cartica

	YES	NO
Jeff Crum (Chairperson)	✓	
Manuel Castaneda (VC)		
George Chedid		
John Petrolino	✓	
Robert Cartica	✓	
Diana Lopez	✓	

Ryan Berger (Class I)	✓	
Chris Stelatella (Class II)		✓
Suzanne Sicora-Ludwig (Class III)		✓
Dale Vickers (Alternate #1)	✓	
Yelitssa Checo (Alternate #2)	✓	

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

**Mr. Kratovil:** Good evening once again. New Brunswick Today, community newspaper available at Newbrunswicktoday.com in case you didn't know. Following up on the issue I've been raising since I believe October. I understand the director wrote a letter to Rutgers to inform them of the site plan conditions that are being violated and wanted to follow up, on the record, is there any further update?

**Mr. Dominguez:** As we spoke on at city council last week, I've been in touch with Frank Wong, who is essentially in charge of planning for Rutgers, we've been having an off-line dialogue about it, so I'm waiting to hear back from Mr. Wong, as they have until the 15<sup>th</sup> to have 30 days. So, no, not since Wednesday when we spoke. There has not been a change.

**Mr. Kratovil:** But you expect Rutgers to produce a corrective action plan for your request?

**Mr. Dominguez:** I believe so.

**Mr. Kratovil:** I look forward to seeing that plan. The other matter I want to address was touched on, the proposal that would involve closing and demolishing a good school in the fifth ward of New Brunswick, Lincoln Annex. The mayor released a plan that would involve closing the school in just four months and having a temporary arrangement for them to be in the building on Van Dyke Avenue that's called the warehouse school and also, eventually, for a new school to be built right there at 131 Jersey Avenue, and seeing as how the planning director...

**Mr. Dominguez:** You may not have noticed, we're proposing to amend the redevelopment plan for that area, we should have a plan before the Board at the next meeting and it would be recommending amending 121 Jersey Avenue, so it would theoretically be both of those sites, just for context's sake.

**Mr. Kratovil:** First question is already answered, I wanted to know when you'd be having the hearing on those changes and I'm hearing March 9.

**Mr. Dominguez:** That is the intent.

**Mr. Kratovil:** I will encourage you over the next month to think long and hard about the priorities that matter to you in our city, I think public education is one of the most important functions of government, to be able to have schools in every part of the city, good schools that people can be proud of, is so important to me and I don't even have children. I just see the value in it, and I can tell that some of the problems in our society come from not enough education or education being hard to attain for people. So, I think that if it ain't

broke, don't fix it. Lincoln Annex is one of the best performing schools in the city and tearing it down after just four years would be a travesty. It would be a blow to the community that has benefitted from this significant investment of taxpayer funds. All of us paid for this school to be reopened. I would caution you to all be skeptical of plans that involve tearing down the school before a replacement school is ready. To have folks move once is bad, having them move twice is worse. When you're dealing with a school, young kids, the impact of the displacement can be severe and long-lasting. I'm sure you know the neighborhood. A lot of folks don't have cars or can't drive and having the students be far away, not in the neighborhood, every day can be a real burden. Attendance will decline and students will not have as much hours in the classroom if they have to catch a bus rather than walking.

I know you're going to be asked to approve some type of change in use or change in policy that is going to be framed as one tiny piece of a puzzle, you're not going to be the ones culpable for selling the school, but you're going to be asked to be complicit in it, enabling that sale to happen, and that closure to happen, and that demolition to happen and ultimately we don't even know what types of contamination is on the site, and as you know, when there is contamination it adds to the time it takes to finish the development. So, we're talking about including 121, there's a building right there where you have tenants that might need to be relocated and needs to be demolished and you might find something there in terms of contaminants that might need to be addressed. 131 I can tell you for sure is contaminated because when you go there you see there's an environmental investigation clean up underway because there's a sign posted according to state law. To loose a school with a tenuous plan to maybe get a school in a few years, is a bridge too far, really think long and hard about it before you're asked to vote on anything that could enable the closure of a good performing, functioning school that is serving 750 students.

X. DISCUSSION ITEMS

*None.*

XI. ADJOURNMENT

Motion to Adjourn: Chris Stelatella  
Second: Suzanne Sicora-Ludwig