



CITY OF NEW BRUNSWICK  
ZONING BOARD OF ADJUSTMENT  
FEBRUARY 24, 2020  
MINUTES

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

I. ROLL CALL

✓	John Cox (Chairperson)
✓	Nancy Coppola (Vice Chairperson)
✓	John Zimmerman
✓	Michael Belvin
✓	Ivan Adorno
✓	Karla Castaneda
	Sue McElligott
✓	Beverly Sanchez (Alt. #1)
✓	Charlotte McNair (Alt #2)
✓	Evelyn Azcona (Alt #3)
✓	Chris Sumano (Alt #4)

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETINGS ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S JANUARY 27, 2020 MEETING

Motion to Approve: Ivan Adorno  
Second: Evelyn Azcona

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

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

*Approved*

V. RESOLUTIONS OF MEMORIALIZATION

A. ANNUAL REPORT OF THE ZONING BOARD

Motion to Approve: John Zimmerman

Second: Ivan Adorno

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

*Approved*

VI. PUBLIC HEARINGS

A. UNIVERSAL PROPERTY SERVICES / 127 EASTON AVENUE / BLOCK 71, LOTS 29, 31 & 33 (ZB-2019-07)

Site plan and use variance application for the conversion of a gasoline station/auto repair/retail use into a gasoline station/retail use. Zoning district C-3B. (David Himmelman, Esq.)

*Re-scheduled to March 23, 2020 Zoning Board meeting*

**Aravind Aithal (Board Attorney):** The applicant will need to re-notice.

**John Cox (Chairperson):** They will re-notice. Alright.

**B. GOLIATH HOLDINGS LLC / 94 SENIOR STREET / BLOCK 82, LOT 18 (ZB-2019-14)**

Variance application for a second-floor addition to an existing one-family home. The addition will include three bedrooms and one bathroom. Zoning district R-5A. *(Christopher Stead, Esq.)*

**Mr. Cox:** Does any member of the Board have a conflict with this? No?

**Dan Dominguez (Acting Director, Department of Planning, Community and Economic Development):** Additionally, we have a near full compliment today, so there's only room for seven voters, we have ten people here, so three people, three alternates I guess, would be able to leave. Insofar as I can recommend, I would like Mr. Sumano, since it's his first meeting, to stick around to see the procedures of the Board.

*Charlotte McNair and Evelyn Azcona excuse themselves*

**Christopher Stead (Applicant's Attorney):** Good evening members of the Board. My name is Christopher Stead, I represent Goliath Holdings, LLC. I am also a 50 percent partner. The other partner Michael Brain is here also. The project is 94 Senior Street, which is currently a single-story ranch with a driveway leading to a two-car garage. The application is seeking a "d" variance for FAR, or Floor Area Ratio, to construct a second-floor addition that is going to feature four bedrooms and one bathroom. At the second TAC meeting, the plans did reflect three bedrooms, one bathroom, but we amended that since and have also spoken to Mr. Dominguez about it. The reason we did that is to reconfigure the size of bedrooms, the occupancy status did not change from the original occupancy that we presented. The occupancy is going to be eight, and the addition will allow the building to conform more to the neighborhood, where this is the only one-story structure surrounded by two- to three-story structures. It is also going to permit more rental space in a rent burdened area, and improve the property aesthetically. The property will be painted and there will be substantial rehabilitation of the property. Concerning the occupancy, it will be legal for eight renters. We agreed to a deed restriction on that, stipulating that if the property is a rental, only eight occupants will be allowed. The property is on a slab, there is no basement. So, there is no issue for overcrowding in the basement. The attic will be constructed in a way where there will be no...it won't be able to be lived in. It will be pull-down and the trestles will be seven feet or lower. So, no one will be able to really stand on the sides. I do know that is a problem in that area and I wanted to address that. Tonight, I'll be calling two witnesses, an architect and planner. Rosario Mannino is our architect.

*Rosario Mannino is sworn in as an expert witness.*

**Rosario Mannino (Applicant's Architect):** We are here for an addition to the second floor. From a one-story structure to a 2 ½ story structure.

**Mr. Cox:** I'm sorry, can you state your qualifications?

**Mr. Mannino:** Yes, I have a Bachelor in Architecture from Florida Atlantic University. I'm a licensed architect in New York and New Jersey, I've been in front of this Board before.

**Mr. Cox:** Ok, thanks, we'll accept you.

**Mr. Mannino:** The project has a total of eight existing non-conforming conditions including lot area, lot width, lot depth, front yard setback, one side setback, combined side setback, building coverage, and impervious coverage. The variance we are seeking is for floor area ratio, for going from one-story to two-stories on the undersized lot. It requires 0.35 and we are proposing 0.59. On the existing first floor, there will be minor changes here. The existing is actually two bedrooms, we're removing one bedroom here and bringing a more open floor concept.

**Mr. Aithal:** Mr. Mannino, you've been making references to plans, were these submitted with the application?

**Mr. Mannino:** Yes.

**Mr. Aithal:** If you could refer to it by sheet number. The testimony that you provided was on the first sheet?

**Mr. Mannino:** Sheet T-100. And the sheet I'm referencing now is A-100.

**Mr. Aithal:** Thank you.

**Mr. Mannino:** You're welcome. So, first floor is minor changes, we will remove the bedroom and create a more open concept, minor changes to the kitchen layout. The second floor is entirely new, and that is four bedrooms on the second floor. This first floor bedroom is two occupants, the front bedroom on the second floor is two occupants, two occupants in this, and two single-occupancy bedrooms in the back. You can see in the elevation here, we're more fitting with the neighborhood pattern of this block. This was the only one-story structure on this block. As previously mentioned, we are keeping the existing brick along all four sides of this building, we're going to paint all four sides of the brick and the second floor will be horizontal lap siding and towards the upper front façade of the building will be cedar impression shingle look. Again, very fitting within the neighborhood. This is the same for all sides, where we are keeping the existing brick and lap siding on all sides.

Going back to the site plan, there are a few items I would like to address from the planner's notes. The survey is showing a condenser that is 3.9 off the setback, we will make that 5 feet to be conforming. We're also going to add screening along the side of the condenser unit as well. Also note that there is an existing fence along the right side that is separating this lot from the parking lot, so there is no view from the parking lot of this condenser.

*Charles Heydt is sworn in as an expert witness.*

**Charles Heydt (Applicant's Planner):** I'm a licensed planner in the state of New Jersey, I've appeared before this Board a couple of times last year, and prior to that I've engaged in planning for over ten years, I actually graduated from the Bloustein School at Rutgers in 2010 with a master's degree.

**Mr. Cox:** We'll accept you as an expert witness.

**Mr. Heydt:** We have heard a little about the non-conforming bulk requirements with respect to lot size, which is really product of the width and the depth. Also, some of the existing non-conforming setbacks, side yard and front yard, are really a product of the existing home that was built back in the 1950s. This application is very straight forward. You have the footprint, you're going to add a story. As you heard, this is the only one-story building on this block, possibly the only one-story home in the neighborhood. Going from one story to two stories is not uncharacteristic of the homes in this area. You are just north of Easton Avenue. There is, to the south of this building, an existing student housing facility that's a very large structure and also a medical office building. The parking lot of the medical office building is most immediately adjacent to this dwelling. So, the shorter side yard setback is really in a great location as we are not proposing any impacts to the adjacent property that's parked upon. The other benefit to the location of this dwelling is the existing driveway gives a separation between this building to the adjacent residential property.

I mention that because we are requesting a formal new variance for FAR, floor area ratio, that rises to the level of what is referred to as a "d(4)" variance in the Municipal Land Use Law. The justifications for the positive criteria are, in summary fashion, whether the site can accommodate the associated impacts with the increase in the density, and in this case because we are talking about FAR and building mass, for the reason that I just gave regarding the existing setbacks being well-suited to accommodate the additional story and consistency, I do think that the requested variance meets the positive criteria. We are not exceeding any parking requirements, which is another test as to whether the site can accommodate the future occupancy. As you well know, much of the future renters will likely be part of the student body community looking for off-site housing, or for people who may work in the area that may want a more affordable housing alternative, but likely associated with the school in some fashion. With respect to location to Rutgers, it is very suitable in terms of walkability and access. I think that the automobile demand won't be that much of a high demand for future renters, so I don't think there will be any substantial impact that the site cannot accommodate.

In terms of other negative impacts, one of the aspects that was addressed with the city during the Technical Review Process involved maintaining a specific number of occupancy to be deed restricted. You heard in our opening, with respect to future growth or future expansion of habitable space, there will be none on this site. So, what you see is what you will be getting, it's very regulated and I think that is appropriate. With respect to addressing the negative criteria, I think that this project has enough conditions to reduce the impact on the public welfare. Obviously, it is a new addition, so that's an improvement to the housing stock, that has to be done to code, which will be reflected when we go to the Building Department. With respect to the zoning ordinance, it is technically still a one-family home, which is consistent with the master plan, which specifies that the R-5A Zone allow one- to two-family homes. I think that it is also consistent with the

surrounding land uses. Therefore, this “d(4)” variance application meets the burden of proof, especially since it is maintaining its existing footprint and is not creating too many other impacts.

**Mr. Cox:** I know you’re meeting the parking requirements. But could you explain to me how the parking is, a two-car garage and one in the driveway. Is it in the aisle of the driveway or is it off to the side?

**Mr. Stead:** The driveway is on the left side of the house and it goes back into the back yard to a masonry garage. It fits two cars and then you can have two cars behind that.

**Mr. Cox:** But if it is blocking the driveway, they’re not supposed to be considered parking spaces. If they are blocking people from coming in and out, correct?

**Mr. Dominguez:** Under the existing zoning code, this complies. The driveway and two-car garage scenario does comply with the five-bedroom requirement.

**Mr. Cox:** Okay, I just wanted to know how it would function, because I know that the properties in that area do not have much room to maneuver in the back, especially if you have a two-car garage. I just wanted to make sure that it is not stacked parking.

**Mr. Dominguez:** Technically this is a one-family, so the entity that is in there would be able to work this out amongst themselves.

**Mr. Cox:** Ok, how many people occupy the house now? What’s maximum it could occupy?

**Mr. Stead:** I believe that it legal for three right now.

**Mr. Cox:** Ok, do you know how many parking permits you get from the city right now?

**Michael Brain (Applicant):** It’s two permits and one guest.

**Mr. Cox:** Ok. Obviously when you go to more bedrooms that could increase. You know, eight people is an extra five parking spot permits for cars that could be on the road. Is there a way that you can keep the limit to the three parking permits from the New Brunswick Parking Authority?

**Mr. Brain:** Yes, we would be amenable to that.

**Mr. Cox:** So, we can just put that in the deed? That the maximum number of parking permits will be three?

**Mr. Brain:** Yes.

**Nancy Coppola (Board Member):** I have a question. Did you say before that it’s 2½ stories?

**Mr. Mannino:** No, sorry it is a one-story addition, the attic is uninhabitable.

**Ms. Coppola:** Ok, I was just going to ask where the other half is. Thanks.

*Open for Board Comments*

None

*Closed*

*Open for Public Comments*

None

*Closed*

**Ms. Coppola:** How will refuse be handled on this property with the additional occupancy?

**Mr. Mannino:** The trash receptacles are to be located behind the garage as noted on the plans.

**Ms. Coppola:** Who will be take it out to the curb?

**Mr. Stead:** We have property maintenance company that will come during trash pick-up days to move the trash to the front of the house.

*Public Comments Re-Opened*

None

*Closed*

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

**Mr. Aithal:** Mr. Chairman, if I may, I would recommend that the parking permits be deed restricted, to be included in the form of the deed, to be reviewed prior to filing. As the property may well be a leased property, that there be the deed restriction and the lease include that the maximum occupancy will be eight. That should be a condition of the approval, for the lease and the deed to be reviewed prior to filing.

**Mr. Stead:** That deed restriction would only apply if the house if renter-occupied, should the house ever become owner-occupied the deed restriction would become null and void, correct?

**Mr. Aithal:** You would still have an eight person maximum occupancy restriction.

Motion to Approve: Ivan Adorno

Second: John Zimmerman

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

*Approved*

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

*None*

**VIII. DISCUSSION ITEMS**

**IX. ADJOURNMENT**