



CITY OF NEW BRUNSWICK
PLANNING BOARD
April 13, 2020
MINUTES

Meeting Location
Remote Teleconferencing
7:00 PM

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

V. RESOLUTIONS OF MEMORIALIZATION

VI. PUBLIC HEARINGS

A. REQUEST FOR EXTENSION OF APPROVAL / 25 VAN DYKE AVENUE / BLOCK 596, LOT 7.04 (PB-2017-11)

The two-year final site plan protection period for this previously-approved project expired on March 12, 2020. The applicant is seeking a one-year extension of the protection period, through March 12, 2021. (*Sandy L. Galacio, Esq.*)

Dan Dominguez (Director, Department of Planning, Community and Economic Development and Board Secretary): Resnick Brunswick Realty LLC was approved for a major site plan and variance for a warehouse expansion in 2018. On March 12, 2018, the Board adopted the resolution memorializing the approval for preliminary and final major

site plan and bulk variance. The two-year final site plan protection period expired on March 12, 2020, and the applicant is requesting a one year extension of the protection period through March 12, 2021. Construction of the expansion has not commenced and the applicant has, since the adoption of the resolution, been proceeding to satisfy the conditions of approval and obtain other outside agencies, including the Delaware and Raritan Canal Commission and Middlesex County Planning Board. In connection with obtaining said approvals, the applicant has had to, among other things, negotiate and record a stormwater maintenance agreement, conservation easement and deed restriction. The applicant anticipates it could be in a position to submit for building permits within two to three months. Accordingly, the applicant requests a one-year extension of the above approvals.

That being said, this letter is dated March 23, 2020, so the two to three months may be more than they anticipated at the time. When you receive final site plan approval, you have a two year protection from any zoning changes, they are requesting a one year extension of that protection through March 12, 2021.

Jeff Crum (Planning Board Chairperson): Thank you Mr. Dominguez. Are there any Board comments? Does anyone from the public wish to speak on this topic?

Charlie Kratovil is sworn into the record

Charlie Kratovil (New Brunswick Today): I would like to ask how common these requests are?

Mr. Dominguez: If I may, Mr. Chairman, there are no major ones on the horizon. My time with the Board at this point has been maybe 16 months, so I would ask members of the Board if they recall the last time one of these happened. This is the first extension that I've fielded. This is just one year, and at this point, 11 months.

Mr. Crum: Before we move this for a motion, is there anyone from the public who wishes to make a comment?

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

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

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

B. AMENDMENTS TO TITLE 16 LAND DEVELOPMENT CODE

Planning Board review of proposed amendments to the city’s Land Development Code relating to site plans, minor site plans, cellular antennas, and fees

C. AMENDMENTS TO TITLE 17 ZONING ORDINANCE

Planning Board review of proposed amendments to the city’s Zoning Ordinance relating to cellular antennas and fees

Mr. Dominguez: So, we have a slew of land development and zoning amendments proposed. I believe that the best course of action would be to go through them on a case-by-case basis.

Mr. Crum: Mr. Aithal, if we go this route, do we need to have public comment with each individual vote?

Mr. Crum: After each one, we will have the Board members comment, move on to the next one and once we get through all of them, before we vote, we will open this up to public comment. Does that sound like a fair process? I’ll turn it back to Mr. Dominguez.

Mr. Dominguez: There are quite a few proposals here, changes to the city’s Title 16, also known as the Land Development Code. This one is with regard to cellular antennas and a sister change to the Zoning Code in Title 17 that we’ll get to later.

In an effort to facilitate 5G rollout and help along the blossoming internet-of-things, the city seeks to adopt the following changes to the Land Development Code: to formally exempt cellular antennas in the city’s right-of-way from site plan requirements. This is because, different towns have taken different approaches, requiring site plan for these things, I believe the reality of these situations is because these require the city to sign off on approval from Council, it does seem somewhat redundant and there is some ambiguity as to whether the Planning Board has jurisdiction. There would be a site plan exemption provided for cellular antennas if they were located greater than 10 feet from the roof edge, they do not exceed 15 feet from the base of the roof, and no variance conditions are created. The idea here is to facilitate the ease with which they can roll these antennas out. For clarity’s sake, for any project that already has approval for cellular antennas in the city after 2012, federal law co-location, there is a preemption there, if a site has a use variance for a cellular antenna, hypothetically let’s say Verizon, then AT&T, in compliance with these regulations, can stick their antennas on there without a zoning permit. So, the exemption would be to set back 50 feet, but also, they can’t exacerbate any existing variances. If it does comply with the height or distance from the roof’s edge, they may be considered under minor site plan to review if they are property screened from view and that they are not detracting from the city’s landscape.

I will jump into the sister change in Title 17 that is related to this. The intention here is to allow them as a permitted accessory use on buildings greater than 40 feet in height and ensure that they are not permitted on façades.

So, currently accessory structures that are smaller than 8 feet by 10 feet are site plan exempt. And this doesn't apply to single- and two-family homes since they're all site plan exempt. This applies more to commercial, industrial properties. So, this change would allow accessory structures of 160 square feet and no higher than 12 feet.

Mr. Crum: Any Board member comments, questions?

Bob Cartica (Board Member): I'm interested in the visual impacts of the cellular antennas? Are they bigger, smaller, more intrusive?

Mr. Dominguez: They expect to be the same as what we see today

Manuel Castaneda (Board Member): Is there a standard?

Mr. Dominguez: There isn't really a standard, every municipality is handling it in their own way.

Mr. Crum: For clarity, can you recap this for us?

Mr. Dominguez: Sure, let me go over everything again, on both topics. Number one, there would be a site plan exemption if it meets certain parameters, distances from the roofline. If it could possibly encroach on those lines, it would be screened, and this would be for every zone, except for possibly I-2, depending on how you interpret the zoning, they are currently not a permitted use. If it conforms with the 10 feet and the 15 feet height, then they would need a minor site plan to ensure it is screened and again the change that allows these as accessory use on structures of 40 feet in height, it would also ensure they would need a variance for having them on the façades. As for the city right-of-way issue, that's just to make it clear that it is exempt from site plan but still has to go through a review process, it may be built in contiguously with a light post or an electrical pole.

Mr. Crum: Any questions or comments from the Board?

Mr. Cartica: I have some questions. On buildings, for example, would it be strictly on commercial buildings?

Mr. Dominguez: The intent of 40 feet in height is to eliminate single- and two-family residentials, the city doesn't see an issue with a say 100 foot apartment building, on the roof.

John Petrolino (Board Member): ...one area that I wanted to ask for clarity is any....with the setback from the roofline....a wall with vertical concrete...mounted to the wall for the antennas, so they can be directed and angled to...reception to serve, with a camouflage and so it appears to blend in to the façade, I wasn't sure if that had been taken into consideration.

Mr. Dominguez: That hasn't really come up in the discussion of this, though it is something to take back for discussion as an option...we'd probably be looking at a "c" or "d" variance of those...I understand, do provide the best service, there are visibility issues and ways to camouflage them, those may be best served with Board meetings just to hash them out, this is just to simplify the easy applications.

Mr. Crum: John, thank you for the comment. That's good professional insight, we appreciate it and I think it's probably worth further discussion in the future. Any other comments from members of the Board? Ok, Dan, do you want to move on to the next one? Any Board comments on the accessory structures?

Mr. Dominguez: With regard to minor site plan review, this will be a change to allow parking lots that are being modified, for a permitted use, located on the same parcel as the principal use, not creating any variances, and are less than 10,000 square feet, that they would be reviewed for their circulation, could go in front of the Minor Site Plan Committee rather than requiring a Board hearing.

Mr. Crum: Any comments or discussion? How will these be memorialized?

Mr. Dominguez: They'll be amended into our Title 16 and Title 17 ordinances.

Mr. Dominguez: So, there would be some changes to the development fees. Currently, it costs an applicant \$0 to request a waiver from a site plan, like a simple sign variance or use variance with no other changes, you might see a waiver request. We thought the appropriate fee would be about \$150. Additionally, a fee for a special meeting when requested by a developer, that request would be for \$1,500, right now the request would be \$0.

Mr. Crum: I'm going to open this up to Board member discussion.

Mr. Cartica: What kind of applicants are we talking about here? For what kind of developments?

Mr. Dominguez: So, for the site plan waiver requests, it's a mixed bag. I will say that single- and two-family are site plan exempt in the state of New Jersey, and would not have to pay for this because they're already exempted. You might see this on a big building that needs a sign variance or occasionally a business that is going into a commercial space that doesn't permit the use, and they're not proposing any changes to the building. The special meeting, no one except large developers really ask for special meetings. You have to be in a big rush to make that request, they're rare in New Brunswick.

Ok, last one. This is with regard driveways, driveways for a regular zoning permit are one of the more onerous reviews that we do, we have to review for impervious coverage as well as interaction with engineering, basically a layer of approval, so this is increasing the fee from \$25 to \$50, which is more in line with actually processing the applications themselves.

Open to Public Comment

Mr. Kratovil: Is this being recorded as a hearing?

Mr. Dominguez: I have my audio recorder going, yes.

Mr. Kratovil: Is the City Council still having meetings?

Mr. Dominguez: The City Council did cancel their Wednesday meeting as far as I know, but they are still going to continue holding meetings, just not this week.

Mr. Kratovil: ...they rushed to get through...Planning Board meeting across the finish line, and now that it's across the finish line the City Council is not going to be holding any more meetings this month and....

Suzanne Sicora Ludwig (Board Member): Mr. Kratovil, the meeting was cancelled this week...

Mr. Crum: This is the last opportunity for any comment from the public. Hearing none, I would ask for a motion.

Motion to Approve: Manuel Castaneda

Second: Bob Cartica

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

IX. OTHER MATTERS OF INTEREST TO THE PUBLIC

Scott Brody is sworn in

Scott Brody (290 George Street, New Brunswick, New Jersey): I am a Rutgers student, I live at 290 George Street, I moved my stuff out of there, but I'm still paying the rent. I was wondering, I heard a rumor that they're not going to cancel...termination of the year...university apartments. I heard they advanced the zoning to have rent...by apartment...

Mr. Dominguez: I'm not sure, I will have to get back to you, if you would like I can take your contact information and get back to you by the end of the week.

Mr. Brody: Okay. I have one other question. ...Executive Order 108...authority to permit...I was wondering if the city was considering...

Mr. Dominguez: I'm not sure that's within the bounds of the Planning Board jurisdiction, but I will try and get you an answer. This could potentially be a Rent Control Board, or a City Council action. I'm not familiar with the executive order the gentleman is referring to. So, this is something I'll have to look into and get Mr. Brody and answer. I'm going to give you my e-mail: ddominguez@cityofnewbrunswick.org. So, feel free to shoot me an e-mail and I'll get to the bottom of it for you.

Mr. Kratovil: What is the status of the ADA violation at 89 French Street?

Mr. Dominguez: Mr. Kratovil, we spoke about this the other day, to reiterate, I have not followed up with them given the circumstances. I am intending on following up with them. We don't have their application yet. I was hoping to have them on TAC this month and the Board in May. I hope to have them telephonically, if things don't change, in June or July. I will follow up with Mr. Wong and you will be the first to find out when we get something.

Mr. Kratovil: What are the applications coming up for the Planning Board meeting?

Mr. Dominguez: The intent is to proceed with an actual application at the next meeting and in two weeks we should have two or three application at the Zoning Board. We have in advance of ten days for public inspection online or by appointment or pick up. If anyone from the public wishes to submit documents, were going to accept them and post them on the city's website so people can refer to them on meetings. Any applicants must provide exhibits seven days in advance of the meetings and they will be marked.

X. DISCUSSION ITEMS

XI. ADJOURNMENT