



CITY OF NEW BRUNSWICK  
ZONING BOARD OF ADJUSTMENT  
APRIL 27, 2020  
MINUTES

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

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETINGS ACT)

Dan Dominguez (Director, Department of Planning, Community and Economic Development): Please be advised that the notice requirements of the Open Public Meetings Act has been complied with and satisfied, and that the annual notice which gave sufficient notice of the time, place and conduct of all public meetings of the Zoning Board of the city of New Brunswick has been filed with the City Clerk and it has been placed on the appropriate bulletin board and posted in the back vestibule of City Hall, visible to the public and through the windows of the lobby to City Hall in New Brunswick, New Jersey and has been transmitted to the official newspaper for the city of New Brunswick, namely the Home News Tribune. Additionally, change of location notice of the time, place and manner of conducting this meeting has been made by the Board Secretary on April 17, 2020 as required by law. 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 Zoning Board of Adjustment

intends to meet on a regular schedule, will meet using the guidelines of the Open Public Meetings Act by utilizing teleconferencing system. 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 system through the phone numbers and access code transmitted in the change of location notice to the Home News Tribune and Star Ledger and posted in the back vestibule of City Hall visible to the public through the window. Board professionals will also be available via conference call during the meeting. All parties on the conference call will have the opportunity to hear the Zoning Board meeting. During the portions of the meeting that are not open for public comment, all calls from the public will be muted and the Board will not be able to hear any public comments through the conference call system. During the public comment periods, those on the conference call-in lines who have an interest in addressing the Board will be organized by last name and then called upon to speak. After all organized members of the public speak, the process will happen again until all the public has had an opportunity to speak once and for no more than five minutes in any given public meeting portion. The timer will time at the completion of each five minute period and I'll notify you that your time has expired. Public needing assistance accessing the call number should call City Hall at 732-745-5007.

**III. SALUTE TO THE FLAG**

**IV. MINUTES OF THE BOARD’S FEBRUARY 24, 2020 MEETING**

Motion to Approve: John Zimmerman  
 Second: John Cox

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

*Approved*

**V. RESOLUTIONS OF MEMORIALIZATION**

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

Motion to Approve: John Cox  
Second: John Zimmerman

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

*Approved*

**VI. PUBLIC HEARINGS**

**A. NEW CENTURY DEVELOPMENT, LP / 155 HOWARD STREET / BLOCK 249, LOT 9.01 (ZB-2019-16)**

Variance application to demolish an existing one-family home in order to construct a new two-story, two-family home to contain two three-bedroom units. Zoning district R-5A. (Peter U. Lanfrit, Esq.)

**John Zimmerman (Board Member):** Danny, before we continue, I have to recuse myself from this vote on this application. My family owns property right across the street from 155 Howard Street.

**Mr. Dominguez:** Okay, I will I will make a note of that, John, and then you can be included in the rest of the Board meeting if you would like.

**Mr. Zimmerman:** Yes, I'll just listen along.

**Mr. Dominguez:** Yeah, but let's wait for the applicant to sort out their audio situation.

**Mr. Zimmerman:** That's fine.

**Aravind Aithal (Board Attorney):** Mr. Chairman, if I may, this is Aravind Aithal, Board Attorney, if we could just also indicate for the record that the application and all supporting documents were available for public inspection both online and via an appointment...

**Mr. Aithal:** I'm sorry, this is Aravind Aithal again. The documents were available through a visual inspection and available on the website of the city. An opportunity for members of the public also to provide any documents or anything for the Board to consider, and this application, no documents were provided.

**Mr. Dominguez:** Thank you, Aravind. To reiterate, yes, the Board the applicant's materials were on the city website and available for public inspection by request for the last 10 plus days. The applicant is going to base their presentation off of all the documents that we put in, in those 10 day periods, they have no specific new exhibits to include. And while the public had an opportunity to add any materials that they wanted us to put on the city website, as oppositional material or material to further the application, no one from the public submitted anything to that effect for us to include. So, just to reiterate.

**Jim Stahl (Applicant's Attorney):** All right, we're back on with Mr. Stahl, Jim Stahl. Can you all hear me now?

**Mr. Dominguez:** Yes.

**Mr. Stahl:** Jim Stahl, the firm is Borrus, Goldin, Foley, Vignuolo, Hyman & Stahl and Peter Lanfrit. Peter and I tell people we are sort-of co-equals and interchangeable parts. So, the first application that we're on is ZB-2019-16. Aravind, advertisement was complete and you have jurisdiction. Is that correct?

**Mr. Aithal:** Mr. Chairman, I have had an opportunity to review the notice and also the mailings and the proof of publication and this Board does have jurisdiction.

**Mr. Stahl:** Aravind, I would also ask that all documents that the Board has all be part of the record at this time, that's what you usually do, I know. I have for the Board's information, I have three experts but I'm only going to put two on. I have Mr. Bob Gazzale as my engineer, and he will testify as to the existing and proposed development. I then have Mr. Kevin O'Brien as a planner. Mr. Johnson is the architect, but I do not intend to call him unless the Board has questions in the interest of moving the matters along. I would also ask the Board, my plan was to have Mr. Gazzale testify after being qualified and also go through the Board recommendations. I noticed some boards like it after the testimony I thought it's a short application and I want Mr. Gazzale to do the whole thing at one time and then we'll move on with the Board questions for Mr. O'Brien. When I may start, please advise me Mr. Chairman.

**John Cox (Board Chairperson):** Please go ahead and start.

**Mr. Stahl:** Mr. Gazzale, are you there?

**Robert Gazzale (Applicant's Engineer):** Yes, I am.

**Mr. Stahl:** Arvind, please swear him in.

*Mr. Gazzale is sworn into the record*

Mr. Stahl: Mr. Gazzale, you're a licensed New Jersey engineer. Is that correct?

Mr. Gazzale: Yes, it is.

Mr. Stahl: And for how many years have you been so licensed?

Mr. Gazzale: 31 years.

Mr. Stahl: Mr. Chairman, if I may interrupt, I'm sorry, Mr. Chairman, Mr. Gazzale been accepted by this Board on a number of occasions and I may just ask, have your credentials changed since the last time you were before this Board?

Mr. Gazzale: No, they have not.

Mr. Cox: We will accept you as an expert engineer.

Mr. Stahl: Were you engaged by the applicant New Century to prepare the plans for a proposed development at 155 Howard Street?

Mr. Gazzale: Yes, I was.

Mr. Stahl: Please identify for the Board the existing conditions, proposed development and the variances and/or waivers that we are seeking.

Mr. Gazzale: I'm referring to the submitted set of plans prepared by my office, originals dated December 20, 2019. They bear the last revision of January 30, 2020. The property is Lot 9.01 in Block 249, street address is 155 Howard Street, the property is on the north easterly side of Howard Street, about 100 feet west of Remesn Avenue. The lot is rectangular in shape, 50 feet of frontage on Howard and is 100 feet deep. It contains 5,000 square feet of land and is located in the R-5A zone. Currently on the property is a single family dwelling, shed on the rear property line, walkways and driveways.

This existing structure is connected to public gas, electric, sanitary sewer, and water utility and Howard Street is fully improved. The drainage on the site is generally from right to left or from southeast to northwest. The applicant proposes to remove the existing improvements on the property and construct a new two-family dwelling. The proposed building will be 22 feet wide by 50 feet deep with a covered front porch. Each floor of the proposed building would have a three bedroom residential unit. We are proposing a driveway sufficient for four cars, which would be constructed along the right hand side and this complies with the RSIS requirements.

The driveway will serve two purposes, allow for vehicles to park off of the street and will intercept water currently that moves from right to left, and it will be graded in such a way that that the runoff will be directed to the street. Where possible, we will reuse existing public utilities. We are proposing recycling and trash containers, which would be located to the rear of the building. Those will be screened with evergreens. We're also proposing additional landscaping at the front of the building, as well as one additional street tree.

We're asking for five variances from the requirements of the zone. They are, in this case, an existing condition, this lot is 5,000 square feet where 8,000 is required. The lot frontage is 50 feet where 80 feet is required. The others are new. We're requesting a front setback variance. We're proposing 9.7 feet and the porch would be 4.7. The ordinance requires houses to match the prevailing setback of dwellings on either side. We will be required to be within 0 feet to 5.8 feet. We're unable to do that because of the porch and the front steps. We also asked for a building coverage variance, 22 percent is what we are requesting, 1,100 square feet of building, 20 percent is the zone maximum, 1,000 square feet. We are also requesting an FAR variance of 0.44 where 0.35 is required. And that is the proposal, unless I've missed something Jim.

**Mr. Stahl:** Let me just take you through the report. We'll go through Item 11 on page five of the staff report from Katie Puniello, the Principal Planner. This first issue is to put a note on the plan with regards to height of the storage area. Is that correct?

**Mr. Gazzale:** The ceiling height? Yes, I believe that Mr. Johnson would include that on his architectural drawing.

**Mr. Stahl:** Turn the page to page six, you've already revised the plans to show the building-mounted fixtures.

**Mr. Gazzale:** Right, that's also shown on Mr. Johnson's plan.

**Mr. Stahl:** There is a question with regard to the refuse area. There will be adequate space between the trash storage and the plantings?

**Mr. Gazzale:** Yes, I showed that pretty tight. However, those are really just to illustrate that our intention is to screen those receptacles. I'm sure at the time of planting adequate space will be provided to get those cans in and out.

**Mr. Stahl:** And item four on page six, the applicant agrees, is that correct?

**Mr. Gazzale:** Yes.

**Mr. Stahl:** Item 5, which is crossed off on page six, the applicant agrees to revise the siding on the front facade, is that correct?

**Mr. Gazzale:** Yes.

**Mr. Stahl:** And the shade tree, that has been provided, is that correct?

**Mr. Gazzale:** Yes.

**Mr. Stahl:** Also, you've changed some landscaping with regard to what is called a "Jersey Belle." Is that correct?

**Mr. Gazzale:** Yeah, we are proposing that as the shade tree. There is a question number seven. There's an existing maple tree, which is located on the westerly or left hand side of the property adjacent to the adjoining driveway, with the orientation of our proposed

building, we're proposing to remove that maple in order to run the gas line to make a connection with the dwelling. And the question is, could that tree be saved? We could if we eliminated for instance, the proposed shade tree, the lot is only 50 feet wide. We don't have a lot of room. So, we could try to preserve that 6-inch maple, but we don't want to take it down without having indicated on the plans that there was a chance that it would come down.

**Mr. Stahl:** So, your proposal is to take that tree down, and in lieu thereof put the maple, is that correct?

**Mr. Gazzale:** Yeah, we would install a Jersey Belle, a new street tree, which would be...

**Mr. Stahl:** If you try to save the tree, you might not be able to once you get to the roots to get the gas line in, is that correct?

**Mr. Gazzale:** That's true. In my opinion, the lot isn't wide enough for two trees to be placed there.

**Mr. Stahl:** I believe that you go to the next page, the applicant is agreeing to everything. I'm now moving to number nine and 10. You have agreed to that on behalf of the applicant. Is that correct?

**Mr. Gazzale:** Yes.

**Mr. Stahl:** And you've also agreed to the revisions to eliminate one driveway and provide off-street parking spaces, is that correct?

**Mr. Gazzale:** I've worked quite a bit with Mr. Dominguez on the parking arrangement here to preserve on-street parking as much as possible.

**Mr. Stahl:** Is there anything else before the Board asks you questions that you feel is necessary?

**Mr. Gazzale:** No, not at all.

**Mr. Stahl:** Ok, Mr. Chairman, I'm done with this witness, I'll pass him to you.

*Open for Board questions or comments*

**Mr. Cox:** Seeing none, you can move on to your next witness.

*Kevin O'Brien is sworn in and accepted as an expert witness in planning*

**Mr. Stahl:** You were engaged by the applicant New Century to review the plans and staff reports and provide an opinion on the variances and the justification for them under the Municipal Land Use Law, is that correct?

**Kevin O'Brien (Applicant's Planner):** That is correct.

**Mr. Stahl:** Will you please give us the benefit of your review and your opinion.

**Mr. O'Brien:** Certainly, good evening Chairman and Board members, thank you Mr. Stahl. Were in an unusual situation this evening, so I thought that rather than go through the typical planning outline, I thought that I would jump to the burden of proof for this application, show you how the applicant has met this burden of proof and, of course, be available to the Board and the public to go further, deeper into those conclusions should it be necessary. I'm going to rely on Mr. Gazzale's characterization, preceding me for his testimony concerning relief necessary in the physical conditions on site. This is an application for an FAR "d(4)" variance.

This is different from a typical use variance for a non-conforming use that the zone doesn't allow. The standard of proof for the FAR variance is cited in the Cox book, for professional use as a reference for New Jersey zoning and land use administration, and then as Mr. Cox opines the applicant must show the Board the site can accommodate the problems associated with the floor area larger than that permitted.

If you take a look at the FAR, the neighborhood we're in on Howard Street, of the 20 properties on Howard Street, there are only three with conforming FAR. The largest property on Howard Street is 5,700 square feet. This property's square footage is 5,000 square feet, much smaller than the 8,000 square feet required in the zone.

This is a neighborhood of non-conforming FAR. If you're talking about whether this FAR could be accommodated on the site, the answer to that is yes, because of the character of the neighborhood and the fact that this neighborhood already is non-conforming with regard to FAR, non-conforming with regard to lot area, non-conforming with regard to lot width, which has a preexisting nonconformities which exist.

So, we'll go through the short version of the proofs, showing that we believe the FAR can be accommodated on the site due to the fact that it is similar to other properties in the neighborhood. The property is in a neighborhood dominated by the church, dominated by the parking lot of the church. This application is going to bump up against that parking lot. Having a two-family in this zone is conforming and is allowed per the master plan.

In terms of the master plan, there are two items I think are important here, and again I'll be brief, page 19 of the 2004 Re-exam, the need for workforce housing, this two-family would satisfy that need. On page 58, it talks about a graduated density approach in certain areas. The master plan does talk about how this strategy of graduated density would make sense in areas of older structures on relatively small parcels. And that certainly fits this neighborhood.

I would suggest to the Board that this application furthers several purposes of the Municipal Land Use Law. Item a, promoting the public health, safety, morals, and general welfare. We're going to be providing a brand new home in place of a 1920s era home. This home is going to be up-to-date with all modern building codes. It also meets Item d, provide sufficient space for residential uses, and Item i, promote a desirable visual environment, from what I've seen from the plans, it will be a vast visual improvement over

what is there and it will fit into the character of the neighborhood. The current single family home, one level home, does not fit into the character the neighborhood.

Identify any negative impacts, I think it's going to be a positive for the neighborhood, and I will jump to my conclusion if I may, I believe that this application provides needed housing, provides a home that is compatible and up-to-date, this application can be granted without substantial detriment to the zone plan and zoning ordinance. Counsel, do you have any other questions?

**Mr. Stahl:** Thank you very much for your opinion. The bulk variances are listed on the notice, correct?

**Mr. Gazzale:** That's correct. And I'm relying on this to provide testimony to identify them, that and use variance, "c" bulk variances are subsumed within that. I would suggest that those variances can be granted on a "c(1)" basis hardship, due to the substandard lot and "c(2)" that the benefits outweigh the detriments.

*Open for Board questions or comments*

**Mr. Stahl:** I have another witness that I do not intend to call unless there are specific questions, Mr. Johnson the architect, otherwise I think I have satisfied my burden of establishing the proposed use and zoning considerations for an approval.

*Open for public comment*

**Mr. Cox:** Mr. Stahl, do you have anything else you'd like to say?

**Mr. Stahl:** I think the application is clear. The applicant and its professionals worked with Dan and his staff, I think as Mr. O'Brien said, it's beneficial in the neighborhood, and that's all I have.

*Open for Board questions or comments*

*Katie Thielman-Puniello, Principal Planner, City of New Brunswick, reads the conditions of approval into the record*

**Mr. Stahl:** ...you know, again agreeing on behalf of applicant, again, after all of the conditions as set forth by Katie. I do have the one question that there's an open issue. And that was the one tree that will have to go because of the gas line, be replaced by a Maple. So, I don't know if the Board is willing, if that works with the Board.

**Mr. Cox:** Yes, that's fine. Not a problem.

Motion to Approve: John Cox

Second: Karla Castaneda

	YES	NO
John Cox (Chairperson)	X	

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

*Approved*

**B. NEW CENTURY DEVELOPMENT, LP / 18 CLASS PLACE / BLOCK 551, LOT 9.01 (ZB-2019-17)**

Variance application to construct a new two-story, two-family home on an existing vacant property. The building will contain two three-bedroom units. Zoning district R-5A. *(Peter U. Lanfrit, Esq.)*

**Mr. Stahl:** I assume that the Board has jurisdiction and the notices and the services are appropriate?

**Mr. Aithal:** Mr. Chairman, this is Aravind Aithal, Board Attorney. I have had an opportunity to review the notices and the proof of publication. It does appear that we do have jurisdiction for this application.

**Mr. Cox:** Mr. Stahl before we begin, I just want to double check with any Board members. Does any Board member have a conflict with this application? Seeing none, go ahead Mr. Stahl.

**Mr. Dominguez:** Mr. Stahl, I want to just jump in real quick just to again announce that like the prior application, that the materials for this one, were available online and in public should anyone have requested them for over 10 days. And we also made available, if anyone from the public wish to present or offer up any of their own supporting or conflicting documents, and that we would put them online and make them available. No one opted to present us with any such documents for this particular application. So, Mr. Stahl you may proceed.

**Mr. Stahl:** Again, this is New Century, again this is applicant has worked with Mr. Dominguez and his staff and resolved most of the items as you can see from the report dated April 16, 2020. I'm going to do the same thing I did with the prior application, the applicant's architect is on the phone and available, but I'm going to go again with Mr. Gazzale and Mr. O'Brien, in the same manner as I did with the prior application.

**Mr. Dominguez:** Are they good or do they need to be re-sworn?

**Mr. Aithal:** It's the same applicants, so they remain under oath.

**Mr. Stahl:** Mr. Gazzale, again, referring to your plan based upon the date of revision, please like you did before, go through the existing conditions of the proposed development, and the variances and the waivers that are required.

**Mr. Gazzale:** I'll be referring to the submitted plan prepared by my office dated December 6, 2019, last revised on January 30, 2020. This property is Lot 9.01 in Block 551, 18 Class Place, located on the south side of Class Place approximately 100 feet east of Oliver Avenue, similar to Howard, this lot is rectangular in shape, 50 feet of frontage, and 100 feet deep, contains 5,000 square feet of land and is located in the R5-A zone.

This particular lot is currently vacant. Class Place is a fully improved street with public gas, electric, sanitary sewer, and water utilities available. This lot drains predominantly to the rear toward an existing outfall parking lot. The applicant is proposing to construct a new two-family dwelling. The new building will be 22 feet wide and 50 feet deep with a covered porch. Each floor of the building would have a three bedroom unit, we are proposing a driveway sufficient for four cars, which would be constructed on the right hand side, the west side of the property, and the four spaces provided comply with the parking requirement. The lot will be graded to maintain the existing drainage pattern, and the new building will connect to existing public utilities in Class Place. Trash and recycling containers will be located behind the building and will be screened with evergreen plantings. And we are proposing an additional shade tree in the rear yard, a new street tree on Class place and landscaping across the front of the building. The lot will be enclosed by a new six foot board on board wood fence.

We are requesting five variances from the zone requirements, 5,000 square foot lot area where 8,000 is required, 50 feet of frontage where 80 is required, and we are requesting a 34.3 foot rear setback where 40 feet is required. This is created by the requirement to match the prevailing setback of existing dwellings and that pushes the building back a way. We're also requesting a building coverage variance, we're proposing 22 percent, 1,100 square foot building where 20 percent and 1,000 square feet is required. We are also requesting a 0.44 FAR where 0.35 is required. And that is the applicant's proposal.

**Mr. Stahl:** Let's go to the review comments. On page five, item 11. That again with the ceiling height, that Mr. Johnson will place a note on the plans, is that correct?

**Mr. Gazzale:** Yes.

**Mr. Stahl:** With regard to the lights, so we can move this, the balance of the items, the applicant agrees to comply with them, is that correct?

**Mr. Gazzale:** Yes.

**Mr. Stahl:** Including the fence material and the front façade and all the other items as required by staff, is that correct?

**Mr. Gazzale:** The applicant is proposing a 5 foot wood board on board fence.

**Mr. Stahl:** So, with regard to the recommendations of staff, beginning on page 5 and running through page 7, the applicant has no issues or exceptions, am I correct?

**Mr. Gazzale:** Yes, you are.

**Mr. Stahl:** Mr. Chairman, that concludes my testimony from Mr. Gazzale.

*Open for Board questions or comments*

**Mr. Stahl:** Mr. O'Brien, Please advise the Board of your review of the zoning considerations, under the MLUL and any opinion you have with regard to the application of the criteria that are required for the variances.

**Mr. O'Brien:** Yes, Mr. Stahl, I can assure the Board that since the last time I appeared before you, my license is still in good standing.

**Mr. Cox:** Thank you Mr. O'Brien.

**Mr. O'Brien:** What I'm going to say is repetitive, this application is seeking a "d(4)" FAR variance. As we discussed previously, a d(4) variance has a different form of proof from a regular use variance for a non-conforming use, and that is that the applicant has to show that the site will accommodate the problems associated with a floor area larger than that permitted by ordinance. In this particular case, we are looking at a property on Class Place, of the properties on Class Place none of them meet the square feet, none of them meet the lot width, and two of the eight meet the FAR requirements and the proposed floor area ratio for this application at 18 Class Place is actually less than five of the eight residential properties on Class.

I think that in terms of conforming to the character of the neighborhood, this is certainly an application that does that. There are passages in the master plan that support this application. Among them are the graduated destiny approach that I mentioned earlier. This strategy makes sense where the structures are on relatively small parcels.

The master plan identifies a need for workforce housing on page 19. And if we were to take a look at the Municipal Land Use Law, it would further the goals including Item a, promoting the public health, safety and general welfare, we'd be doing that by putting up a brand new house, built according to all current codes, fire, safety, sustainability. It also meets Item g, to provide sufficient space in appropriate locations for residential uses. And lastly, Item i, to promote a desirable visual environment. This will be a vast improvement over the current vacant lot. I cannot identify any negative impacts, particularly as this use is in conformance with the remainder of the neighborhood, as you saw with Mr. Gazzale's submitted plans, this is a neighborhood with some larger buildings, some multifamily homes, vacant lots, it is quite an eclectic mix of uses. A two family use is certainly appropriate.

Last, I believe that I can discuss my conclusions as to the variance and that we see that the "d(4)" variance is justified, we see that the "c(2)" variances are also justified

This is a standard non-conforming lot due to its size, this application is a much better alternative, a much better planning alternative. And I would conclude this presentation by saying that I believe the application can be granted without substantial detriment to the public good and without substantial detriment to the zone plan.

**Mr. Stahl:** Mr. Chair, I have provided my two experts and professionals. I have Mr. Johnson for any last minute questions.

*Open for Board questions or comments*

*Open for public comment*

**Mr. Rosario (Perth Amboy, New Jersey):** Good evening, gentlemen and ladies. This is about 18 Class Place, correct?

**Mr. Dominguez:** Yes.

**Mr. Rosario:** Okay, and he said December 6 and January...

**Mr. Stahl:** What is the question? He indicated he's from Perth Amboy. He has the right, of course, to speak, is he a property owner within 200 feet?

**Mr. Cox:** Let us get him sworn in first, please.

*Mr. Rosario is sworn into the record*

**Mr. Dominguez:** Now, Mr. Stahl, please ask your question again to Mr. Rosario.

**Mr. Stahl:** I just wanted to know because usually we break up public hearing between those within 200 feet and those out of 200 feet. I would just like to know if Mr. Rosario owns property within 200 feet of the of the premises in question.

**Mr. Rosario:** On property, am I on property? Is that a question? What is the question again? Can you repeat that?

**Mr. Dominguez:** Mr. Stahl was asking if you happen to own any property within 200 feet of 18 Class Place.

**Mr. Rosario:** I do not.

**Mr. Dominguez:** All right, Mr. Rosario. You may begin, I'm starting your clock.

**Mr. Rosario:** Okay, yes. Regarding the 18 Class. You stated December 6 and January 3, those dates, what were they. What were they about?

**Mr. Gazzale:** Those were the dates of the submitted plans.

**Mr. Rosario:** The submitted plans. Okay. And there's a Mr. Johnson? Is there a first name for that gentleman?

Mr. Stahl: Larry Johnson.

Mr. Rosario: Am I allowed to ask questions pertaining to 18 Class Place.

Mr. Dominguez: Yeah, this is only about 18 Class Place.

Mr. Rosario: I'm not doing anything wrong, right? I'm not doing anything wrong. It's just questions, right?

Mr. Dominguez: Yeah.

Mr. Rosario: Okay, okay, okay, gentlemen. This is real estate located in New Brunswick, New Jersey.

Mr. Dominguez: That's correct.

Mr. Rosario: Okay, and who are the real estate on the blueprint, architect for 18 Class Place.

Mr. Dominguez: The architect is Larry Johnson.

Mr. Rosario: Okay. And you said it's going to be eight residential properties?

Mr. Dominguez: I'm sorry, sir? This is a residential property. It's a two family house,

Mr. Rosario: Oh, a house, I thought I heard eight residential properties before, my apologies. Oh, okay. That's all. I appreciate it.

Mr. Dominguez: You're welcome, sir.

*Public comment closed*

*Open for Board questions or comments*

*Ms. Thielman-Puniello reads the conditions of approval into the record*

Motion to Approve: John Zimmerman  
Second: Sue McElligott

	YES	NO
John Cox (Chairperson)	X	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	X	
Michael Belvin	X	

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

*Approved*

C. 268 SOMERSET STREET LLC / 268 SOMERSET STREET / BLOCK 67, LOT 27 (ZB-2018-06)

The applicant received site plan, use variance and bulk variance approvals from this Board in October 2018 for a mixed use building with a ground floor restaurant and residential units above. During the resolution compliance process, the number of parking spaces provided was reduced from four to three to accommodate an ADA space, intensifying the parking violation. The applicant is thus seeking a “c” bulk variance for parking at this time. *(Peter U. Lanfrit, Esq.)*

Mr. Cox: Mr. Stahl, you're on again.

Mr. Stahl: Aravind, you're satisfied with the publication and the service of notices, am I correct?

Mr. Aithal: Yes, Mr. Stahl. Mr. Chairman, this Board has jurisdiction over this application.

Mr. Dominguez: And while we're at it, I'll just throw in again, as with the other applications. This was online and available should anyone have reached out to us to make a time slot in person to see them for over 10 days. And we made an opportunity and we publicized notice that people could, if they want to provide any counter documents or documents to the affirmative, if they so choose, that we also put them up on the website and make them available no one took us up on that offer for this particular project either.

Mr. Cox: One more time I just like to ask any Board member, does any Board member have a conflict with this application. Seeing none. Go ahead Mr. Stahl.

Mr. Stahl: Thank you very much. I would call Mr. Sharif Aly of Ameritech Engineering, as my first and only witness.

*Mr. Aly is sworn in and accepted as a professional engineer*

Mr. Stahl: Mr. Aly, this application did receive approval. And the only matter that is now before this floor is the reduction of one parking space, am I correct?

Mr. Aly: That is correct.

Mr. Stahl: And that was caused by the fact that it was determined that an ADA space was required, one of the four approved spaces, reducing the available parking spaces to three, is that correct?

Mr. Aly: Yes, that is correct, the parking area for the handicapped space.

Mr. Stahl: And would the site work with one less non-handicapped space, and if so, how?

Mr. Aly: What is required by ordinance and RSIS is 11 spaces, in testimony last time when we appeared, we indicated that we have four spaces and the rest of the parking will be on the street. And we got an approval. And we also agreed to comply with the D&R engineering report. And on the first page, Item 2.1, we were asked comply with the ADA spaces, at the time of the hearing we did. We agreed to comply, but the result was that we lost one space due to the ADA space.

Mr. Stahl: Let me ask a question Mr. Aly. The requirements of New Brunswick required 11 spaces, is that correct?

Mr. Aly: That is correct.

Mr. Stahl: And we got approval for four conventional spaces, is that correct?

Mr. Aly: Yes.

Mr. Stahl: Is the loss of one conventional space where we have on-street parking, does this make any material change in the operation of the site?

Mr. Aly: Not at all. The reduction of one space will be basically on-street parking, and so whether it will be eight on-street parking or nine on-street parking.

Mr. Stahl: Some residents, or consumers will just have to walk longer distances to get to the building, is that correct?

Mr. Aly: And that is very typical of the city of New Brunswick, keep in mind that we are a corner lot and we do have plenty of frontage, so we do have our own on-street in front of the building.

Mr. Stahl: You're a corner lot, you have two frontages, is that correct?

Mr. Aly: That's correct. We have frontage on Somerset Street and on James Street.

*Open for Board questions or comments*

*Open for public comment*

*Mr. Agoras is sworn into the record*

Mr. Agoras: Thank you. My concern is, I have, like I say 266 Somerset, between Somerset

and James Street. My concern is the parking space. Because my first floor commercial, it's a restaurant and it's still closed, but the guy is working inside, he's supposed to open it up and the next guy in 268, he open up a restaurant, the corner is going to be very crowded.

Mr. Cox: What exactly is the question?

Mr. Agoras: My question is this building, it's approved for rent for apartments, where are the people supposed to parking, because my building, it's a restaurant down there and apartments up there, and that corner, now it's crowded, imagine the time the building is up. It's supposed to be two restaurants in a 30 foot area, that's supposed to be too crowded. That's my question.

Mr. Stahl: Mr. Agoras, you understand that this was already approved. And the only application before this Board right now is for one parking space. It's not for the restaurant, it's for one parking space.

Mr. Agoras: Anyway, that is my question, my opinion...excavating for four years. And I don't know why the town, he gives out permits to restaurant in a 30 feet area, and it's not, it's no space. Anyway, thank you gentlemen. Thank you very much.

Mr. Cox: Thank you, sir.

*Kristo Makropoulos (14 Fox Road, Edison, New Jersey) is sworn into the record. He is instructed that he must wait until the general public comment portion of the meeting to speak.*

*Open to Board questions or comments*

*Ms. Thielman-Puniello reads the conditions of approval into the record*

Motion to Approve: Chris Sumano  
 Second: Charlotte McNair

	YES	NO
John Cox (Chairperson)	X	
Nancy Coppola (Vice Chairperson)		
John Zimmerman	X	
Michael Belvin	X	
Ivan Adorno		
Karla Castaneda	X	
Sue McElligott	X	
Beverly Sanchez (Alt. #1)		
Charlotte McNair (Alt #2)	X	
Evelyn Azcona (Alt #3)		

Chris Sumano (Alt #4)	X	
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*Approved*

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

*Charlie Kratovil is sworn into the record*

**Mr. Kratovil:** Thank you very much Mr. Dominguez, Mr. Chairman, members of the Board, it's good to hear your voices, it'd be even better to see your faces, but I'll get to that in a minute, but first I did want to just follow up, since I know you have not had a meeting since February. Does Mr. Dominguez have any update on the ADA violation at 89 French Street and the supposed plans that are going to be forthcoming to correct that or ask for some type of change to be made, has he received any update.

**Mr. Dominguez:** I do not have an update for you at this moment. I hope to soon.

**Mr. Kratovil:** Great, great. And so, I will say that I do appreciate the opportunity to address you in these unusual circumstances, I hope you're all well. You guys got to watch out, now I can attend more than one government meeting at once. So, I'm currently watching the North Brunswick council meeting and they're using software called GoTo meeting that makes it so everyone who wants to have their image appear, if they have a camera they can, they can go on camera, and it seems like their meetings go on a little bit smoother than this one and I know this is the first time the Board is doing this, but I'd like to encourage Mr. Dominguez and the city to pursue ways, you know, while we can't have the in person gatherings, to use the most advanced technology to enable the public to participate in the most robust way, so using you know conference call technology is a couple decades behind the times. I am pleased to report that I was able to actually broadcast this entire meeting on the New Brunswick Today Facebook page and that's something that I would like to see the city do going forward, pandemic or not, for government meetings, it's something that many communities, do you know, used to be broadcast on cable television in many places and now we're seeing live online broadcasts of government meetings and, you know, it's actually helping more people follow what the government is doing and learn about opportunities to participate learn about, you know, development projects that may be affecting them in the future, so I would just offer, you know, my limited knowledge that I have about the tools that can be used to enable these things to happen, including live video broadcasts, video conferencing technology and those types of things I'd be happy to speak to Mr. Dominguez or anybody who wants to hear my thoughts or anything like that on this, because I do think it can be better, and especially when we're dealing with land use applications where there's exhibits and visuals and, you know, it's just not something that lends itself very well to a telephone conference, and the technology to do live video meeting is available, where exhibits can be presented and people can get a much fuller picture of what's going on so we did our best to have a couple images on the screen while our broadcast is going on at New Brunswick Today, but I'd like to see the city embark on using some more advanced technology to bring these meetings to the public. You know, pandemic or not and that's all I have for you tonight thank you again for the opportunity and I hope to see you again very soon.

**Mr. Makropouos:** Thank you. I would like to speak on the Lincoln Annex School, where

the old St Peter's used to be. Okay. Why are the kids are going to be forced to go into the trailers, because New Brunswick Zoning Board is allowing a lot of overdevelopment to take place. I want to know if you guys are in Mayor Cahill's pockets and why you allow the mass building and overdevelopment that forces, the overcrowding in the school systems, that now we have to ship the kids over in the warehouses. I don't appreciate that. I mean, that there was a lot of, how much money was spent for St Peter's, how much did you buy St Peter's for again?

**Mr. Cox:** That's not a question that we have the answer to that you would have to go speak to the New Brunswick Board of Education. We had no variance or authority over that.

**Mr. Makropouos:** I believe that was around 80 million. I mean, why are we just going to spend 80 million, and the next day, not even use it anymore doesn't make it doesn't make any sense to me.

**Mr. Dominguez:** If I could speak since I was the presenter of the redevelopment plan for the Cancer Institute, that would go, theoretically at the site of the current Lincoln Annex. So, just for clarities sake, that was before the Planning Board, the Zoning Board doesn't have jurisdiction over that project, they are separate boards that hear separate projects. I presented a redevelopment plan to the Planning Board, which passed the Planning Board, and then was adopted by the City Council, I want to say at their last meeting, which I believe is April 1, on second reading. And so that project is still not, I guess, let's call it, firmed up, there's no site plan. They have not presented anything to be approved yet. If the Board of Education has formally sold the site. I'm not aware of it, I actually don't know. I also don't know if there's been a redeveloper designation. I don't know if the Housing Authority has met to discuss that. So, on those topics I can't speak directly, I know that the Lincoln Annex would be, the students would be relocated to the, I think it's called Pathways. The P-Tech school over at the corner of Jersey and Van Dyke, which albeit on the outside does in fact look like a warehouse, the interior is actually, it's probably one of the nicer schools that I've ever been in. It's actually pretty impressive on the inside. But so that's just sort of my two cents coming from, from my perspective, since I am the planning director and I did write the and help draft the redevelopment plan for that site and I did present. So, you know, full disclosure, to admit all that given circumstances.

**Mr. Makropouos:** I've been to the Freeholder meetings, and the children and their parents, they want to stay at the Lincoln Annex, that they don't want to be moved. They, they say they're going to have a problem with transportation, picking up their kid. And if we stopped all this overdevelopment, you know, schools wouldn't get overcrowded.

**Mr. Dominguez:** Now, for what it's worth, my understanding is that at least to the Pathways site that that all the students that are currently at the Lincoln Annex would be bussed to that to the temporary site while the, the new school is built at whatever site they end up choosing and if Mr. Kratovil is still on the line, because he would be curious about it, but no we do not, there's not been a decision made as far as I know, on a new site for the school between the two sites that I heard of, I don't know if there's any other sites in consideration.

**Mr. Makropouos:** And let's, let's say that one of the kids get sick one day, and the parents can't pick them up because it's another side of town, they're not used to it. Who's gonna bring their kids home, how are they going to get picked up? I understand, they'll be busing for school and after school. But what about in between, sometimes kids get sick, catch a fever, whatever it happens. What then sir?

**Mr. Dominguez:** I would have to defer to that to the city's Board of Education, they'll have to sort out all of those details. That's not at the discretion of this board nor is it really at the discretion of the Planning Board either.

**Mr. Makropouos:** Okay. I just wanted to say we're coming over 100 years of Armenian Genocide happened. And I would like the New Brunswick Zoning and Planning Board, for them to acknowledge the Greek and Armenian and Assyrian genocide by Turkey, and that Turkey's, a bunch of murderers, would you acknowledge this, sir, the Greek Armenian Genocide?

**Mr. Aithal:** This is Mr. Aithal the attorney for the Board, this is clearly not something the Municipal Land Use Law, which governs the conduct of this Board, permits the Chair to opine about, certainly you can do so in your private life. It has nothing to do with zoning and planning.

**Mr. Makropouos:** This my comments and I can comment on anything. I would like New Brunswick Zoning Board to take the stand on this, will you acknowledge because many countries don't acknowledge the Greek Armenian Genocide, they don't acknowledge the Holocaust happened in Europe. So, I would like to give you guys the opportunity right now to say yes, the New Brunswick Zoning Board acknowledges this, because the silence speaks volumes, Sir.

**Mr. Cox:** We do ordinances for the Zoning Board we're not going to get into that kind of conversation right now. Do you have anything else you'd like to say?

**Mr. Makropouos:** No sir. It makes me feel bad, I yield my time.

**Mr. Kratovil:** Yes, Mr. Chairman, Charlie Kratovil, I just want to supplement what the planning director just said regarding the location of a replacement school site, it's my understanding the Board of Education is going to be meeting tomorrow evening and on their agenda are a number of items regarding selling the Lincoln Annex School, and also purchasing land from Jack Morris's company at 50 Jersey Avenue. So, if the agenda is any indication, the powers that be have made a decision. I think that's somewhat contravenes what was said tonight on the record, so I just wanted to correct that the meeting tomorrow is at 7:00 pm and I encourage all residents of New Brunswick if anybody who's concerned about the future of public education to participate in this meeting. I think it's a travesty that the Board of Ed is moving forward in the middle of this pandemic and trying to rush through this controversial proposal, so that those items are on their agenda tomorrow evening 7:00 pm.

**Mr. Makropouos:** I would like to add a rebuttal. I just wanted it will be very short I promise you, I just wanted to thank Charlie Kratovil for leading the charge in defending the children in the public school system New Brunswick, defending all the residents in

New Brunswick. He's always leading the charge, I never see Freeholder Director Rios ever doing anything. I never see Mayor Cahill doing anything and I'd like to yield my time, I'd like to thank Charlie Kratovil.

Mr. Cox: Thank you, the public, the general public time is now closed.

VIII. DISCUSSION ITEMS

IX. ADJOURNMENT