



CITY OF NEW BRUNSWICK
PLANNING BOARD
JULY 20, 2020
MINUTES

Meeting Location:
Teleconferencing
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

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 Planning 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, a change of location notice of the time, place and manner of conducting this meeting has been made by the board secretary 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's Planning Board 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 Planning 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

None

V. RESOLUTIONS OF MEMORIALIZATION

None

VI. CHANGES TO THE RULES REGARDING PUBLIC COMMENTS AND INTERACTIONS

Mr. Dominguez: Yes, I believe Aravind will take the lead on this one.

Aravind Aithal (Board Attorney): Yes, I apologize it took me a while to unmute myself. Sometime ago we circulated model rules for the Planning Board to consider among those rule changes and public comment and interactions would be an addition to de-quorum. So, the use of abusive or inappropriate language, and I think, Chairman Crum, you had pointed this out before. That if someone used language that was deemed to be inappropriate or hostile or in a threatening manner, you would warn them and if they continued to use that, then they would be muted and taken off the call, but their time would be preserved until others had an opportunity to speak. Then they would be able to come back and if they still continued, at the discretion of the chair, you would be able to discontinue their public comment portion. That would be the only additional changes to the model rules that would be proposed. So, at this point what we do is we would forward a copy of all of those model rules for consideration at the next meeting.

Jeff Crum (Chairperson): Thank you, Aravind. I think that makes a lot of sense, given some of the recent context here that I think the proposal is warranted and I think we look forward to reviewing those in order to move forward with approval and inclusion in our policy next time. Are there any questions or comments from any of the Board members before we move on from this item? Hearing none, I will take that as an agreement that we agree and look forward to reviewing them at the next meeting. Thank you, Aravind. Any other further comments before we conclude this point.

Mr. Dominguez: Aravind, would it be necessary, given the limited conversation that we just had this week, to have a public comment?

Mr. Aithal: Well, there is no action that is being taken. Only the Chairman's prerogative in terms of the decorum at which the speakers would be stopped if they were inappropriate at any point. This is to codify the Chairman's prerogative. As far as the rules, that would be available for public comment when it is proposed to the Board at the next meeting.

Mr. Dominguez: Understood.

Mr. Crum: Thank you. Yes, I think we will definitely look for any public comment during the next meeting when we have Dan's proposal to approve.

VII. PUBLIC HEARINGS

A. O'BRIEN INVESTMENTS, LLC / 90 LIVINGSTON AVENUE / BLOCK 141, LOT 13.02 (PB-2020-03)

Preliminary and final site plan application with bulk variances to convert the existing building, which contains office space on the first and second floors and an apartment on the third floor, to all office space, eliminating the residential apartment. The applicant also proposes a new monument sign. Zoning district C-3A. (Peter U. Lanfrit, Esq.)

Peter U. Lanfrit (Applicant's Attorney): Good evening, members of the Board, Peter U. Lanfrit, appearing on behalf of the applicant.

Mr. Aithal: Mr. Chairman, this is Aravind Aithal, if I could just interrupt momentarily. I had an opportunity to review the notices and the certifications that occupancy the notices. I do find that the Board does have jurisdiction. Mr. Chairman, if you may inquire as to whether any member of the board feels that they may have reason to believe that they may have a conflict with the application.

Mr. Crum: Thank you, Aravind. Does any Board member have a conflict with this application that they would like to recuse themselves from this hearing? I will take that silence as a no. Aravind, thank you.

Mr. Lanfrit: I will continue, Mr. Chairman.

Mr. Crum: Yes, thank you.

Mr. Lanfrit: Okay, this application, as you indicated is to convert third story of the existing building to office use. Approximately ten years ago, this property was an all office structure. The third floor was an office use and the previous owner converted the third floor to an apartment. Mr. O'Brien is a contract purchaser of the property. It is his intention to renovate the property. The property is currently vacant. There are no tenants in the property at the present time and his intent is to go back to all office use on the property. There are some variances that are currently existing. We will review them in the testimony. There are no new variances being created. Also, for the record, there was reference to a sign, unfortunately where we proposed the sign was actually in the county right-of-way, so we are not going to be asking for any variance for the sign, instead we will be removing the sign from the plan. Also, the original plan that we submitted showed new fencing. The new fencing was going to also be in the county right-of-way and the county would not permit it, so we are going to rehab the existing fencing, but there will be no new fencing proposed. In addition, and we will get into it with testimony, the variance indicated that we needed a variance for off-street parking, where 11 spaces are required and nine are proposed. As a result of some re-striping, re-design, and re-configuration, we will actually have 10 parking spaces, so we will be deficient one parking space and I will review those variances in the testimony. This evening, I intend to call our architect, Mr. Ruban, and also Mr. Stires, our site engineer, and Mr. O'Brien is also available should the Board have any questions and then hopefully our professionals will answer all the questions and we will not need to call him. I am hoping for those of you that are viewing this, Mr. Ruban has the exhibits and hopefully we will be able to put them up so that the board members that are viewing this can see the exhibits. If not, then I am sure that Mr. Ruban and Mr. Stires can talk everybody through this application. Having said that I would like to call Mr. Ruban as my first witness.

Mr. Dominguez: Hold on one second.

Mr. Crum: Dan, do you want to swear in the witness?

Mr. Dominguez: Yes, can you hear me?

Mr. Crum: Now we do, yes.

Mr. Dominguez: I was just double checking some things. Mr. Ruban, as per the notice, any exhibit that you have, if you have given them, you can show them as an exhibit tonight.

Mr. Lanfrit: The exhibits that we are going to be using are in the layout of when we originally submitted. They are a part of the plans, and all Board members should have copies to these exhibits and there will be no new exhibits being proposed.

Mr. Dominguez: Understood, I was just double checking. Okay your architect is on first?

James W. Ruban, AIA is sworn in

Mr. Lanfrit: Mr. Ruban, what is your occupation?

James W. Ruban, AIA (Applicant's Architect): I am an architect.

Mr. Lanfrit: And you are licensed in the state of New Jersey?

Mr. Ruban: Yes.

Mr. Lanfrit: Can you briefly give the Board the benefit of your professional and educational background?

Mr. Ruban: Yes, I graduated from polytechnical institute in 1992 and I've been in the business over 25 years working on various types of projects, like residential. I did a lot of work on government projects, schools, and government buildings. I've worked on residential, commercial, retail. So, I have experience that spans a lot of different genres of architecture and I have been on my own now. I have worked with other firms, and now I have been on my own for about 10 years now.

Mr. Lanfrit: Another quick question, where is your office located?

Mr. Ruban: I am in Mountainside, New Jersey.

Mr. Lanfrit: Okay, and have you testified previously before planning boards or zoning boards in the state of New Jersey?

Mr. Ruban: Yes, I have.

Mr. Lanfrit: I would offer the testimony of Mr. Ruban as a licensed architect, Mr. Chairman.

Mr. Crum: Thank you. Yes, his credentials are acceptable.

Mr. Lanfrit: Mr. Ruban, you were retained by the applicant to prepare the plans for this project which involved not only renovation of the third floor conversion to office use, but there is also going to be some renovation to the first and second floor, is that correct?

Mr. Ruban: Yes.

Mr. Lanfrit: All right, can you indicate to the Board, take the Board through the exhibits? I want to start with the basement and if there is anything proposed in the basement?

Mr. Ruban: First, I just want to ask if you can see my screen, because I did say that I am sharing it. Can you see it?

Mr. Lanfrit: I see it.

Mr. Ruban: Okay, just wanted to make sure.

Mr. Aithal: Mr. Chairman, if I may.

Mr. Crum: Yes, Aravind.

Mr. Aithal: This is Aravind Aithal, the Board Attorney. As not all members of the public may be joining by the computers, they may just be joining by audio, if the witness can also refer to a specific sheet number. So that members of the public would have the opportunity to marry up exhibits with the documents that are made public already.

Mr. Ruban: Sure absolutely. The first document that I submitted was titled PB-1 and that was essentially an existing conditions plan for each floor: the basement, first, second, and third floor. So that is Exhibit 1, and that is the exhibit that I show. As was previously mentioned, the first and second floor were already offices, and the third floor was an apartment. The basement, I believe, was also used for storage as well. So that is PB-1. PB-2 is the revised or updated...

Mr. Aithal: Mr. Chairman if I may. Just so we are clear, the plans that we have on file that are available for the public are not referred to as PB-1 and PB-2. I am assuming they are architectural plans.

Mr. Ruban: Yes, I labeled them PB-1, PB-2, and PB-3 for Planning Board. Those are my numbers in the lower right. If another number has been assigned, I am happy to refer to that. I am just not sure that I know that information.

Mr. Lanfrit: For clarification, Mr. Ruban, when you submitted these documents, did you label them PB-1, PB-2, etc.?

Mr. Ruban: Yes. That is in the lower right of my title block, correct.

Mr. Lanfrit: Okay and those are how they were titled when you submitted them.

Mr. Ruban: Yes.

Mr. Lanfrit: Okay. Are we clear on that, Aravind?

Mr. Aithal: Hold on. I am pulling up PB-2.

Mr. Ruban: Okay, would you like me to discuss that?

Mr. Lanfrit: Please.

Mr. Ruban: Okay. So PB-2 is the basement floor plan and the first floor plan. And this is showing the changes that being undertaken on these two floors. Essentially, I think that the basement is going to be storage. It will not be used for anything other than storage at this time. The first floor has been modified to create three offices and a conference room. Also, there are also two bathrooms that have updated to barrier free accessibility per the code. That is essentially PB-2. PB-3 outlines the changes on the second floor where we have created five offices and again two toilet rooms, and the then the third floor, which was the residence, has been converted to three offices. And I will come them offices or suites, but I label them as offices on my drawing. There are three on the third floor. Again, with an accessible bathroom on the third floor.

Mr. Aithal: I don't see any PB-3.

Mr. Ruban: I'm sorry?

Mr. Aithal: I don't see any PB-3 in the documents that have been submitted that are available publicly on the website. It might take me awhile to click through every single one of these.

Mr. Ruban: I initially submitted the three of them on the 27th of January, and there was a revision made to PB-2 sometime in June. June 2nd to be more specific.

Mr. Aithal: I am sorry. I do not want to hold the Board up, but I think that we need to make sure that those plans have actually been submitted and are available to the public. Mr. Dominguez, if you can perhaps help us to locate the documents? I don't see them.

Mr. Dominguez: Aravind... Wait am I unmuted? Yes. I am looking for them too, Aravind. I am helping out. I am digging them up on the website.

Mr. Aithal: My apologies for holding up the application.

Mr. Lanfrit: No, it's important to get it right.

Mr. Crum: Aravind, does it make sense, given that we have time to go through the website and confirm that the documents are there, does it make sense to move forward with the presentation while we retrieve the documents?

Mr. Aithal: I will leave that to the attorney. If Mr. Lanfrit wants to go forward, but just so he knows that if these documents are not a part of the application that is available to the public to view, then I am going to need to submit those and have his witness come back.

Mr. Lanfrit: Just to make it clear, Aravind, and I will do it through the testimony of Mr. Ruban, when we submitted the original application, we submitted PB-1, PB-2, and PB-3 is that correct?

Mr. Ruban: That is correct.

Mr. Lanfrit: And then as a result of certain reports that were generated, you revised PB-2?

Mr. Ruban: Correct, on June 2.

Mr. Lanfrit: Okay, but PB-1 and PB-3 were part of the original submission that we made back in January, that we submitted that information.

Mr. Ruban: I have on my drawings, January 27. So yes, it must have been around that. Correct, but nothing changed on those as a result of some of the comments that were made. It was not revised in June.

Mr. Lanfrit: Okay, so are we looking for PB-2?

Mr. Aithal: Yes, PB-2 is on the website and available for public inspection. PB-1 and PB-3. Mr. Lanfrit, if your witness wishes to testify without referring to PB-1 and PB-3?

Mr. Lanfrit: We can do it that way. All right, the application, you know, was accompanied by all three sheets. So, they are on file with the city, but whether they made it to the website, I cannot answer that. But they were on file with the city when we submitted the application. And so, the public had a chance to review those documents.

Mr. Aithal: And that is why perhaps we should not make reference to them in the testimony.

Mr. Lanfrit: Okay, I can ask him what is being to each of the floors and he can then explain it. Perhaps we can do it that way. All right Mr. Rubin, let's go back so that we don't confuse the public who may not have had the opportunity to review all your exhibits. You indicated that the basement of this building was always used for storage and will continue to be used as storage, is that correct?

Mr. Ruban: Yes, it is going to be used for storage in the future.

Mr. Lanfrit: Okay, and we are not proposing that any of the basement be habitable space?

Mr. Ruban: No, no habitable space in the basement.

Mr. Lanfrit: Okay, then on the first floor, there will be offices, bathrooms, and a conference room. And how many offices are going to be on the first floor?

Mr. Ruban: The first floor will have three, three offices and one conference room.

Mr. Lanfrit: The second floor will have how many offices?

Mr. Ruban: The second floor will have five.

Mr. Lanfrit: And then the third floor will have how many offices?

Mr. Ruban: Three.

Mr. Lanfrit: Okay, and those offices are going to be rented out individually and capable of being merged so that one tenant can be renting one, two, or three offices? Is that correct?

Mr. Ruban: Yes.

Mr. Lanfrit: Now how is access to the building at the present time?

Mr. Ruban: At the present time, there is a rear door and a front door on the first floor. The basement also has its own access. I believe that there is two of them. Yes, two access from the basement. But if you wanted to come to the building to see anyone that had an office in there, you would either go through the front door or the rear door. More than likely the rear door because that is where the parking is. You know, the parking for the building site is in the rear.

Mr. Lanfrit: Okay, can you take the Board through the changes that we are proposing to the building, if there are going to be any additions or changes to the building in order to accomplish this transformation from residential to office?

Mr. Ruban: The perimeter of the building is basically remaining intact. There is no physical addition to the building. We are modifying the rear deck, making it smaller. And we are adding, or basically putting back what was an exit from the second floor via the construction of an egress stair off the second floor to provide an additional way out of the second floor. So, there may have been one at one time, we are putting it back so that every floor will have two means of egress. And then we are also installing a lift at the rear to allow accessibility to the first floor to the greatest extent possible. But other than that, there is again no construction on the perimeter or we are not increasing the footprint or anything like that. We are just dealing with more site amenities within the form of modifying the rear deck and installing this stair and lift.

Mr. Lanfrit: It is the current building in its present configuration that is not handicap accessible?

Mr. Ruban: No, I would say no.

Mr. Lanfrit: Okay, and the changes that proposed that are proposed to the exterior of the building, are they reflected on the plans that have been submitted by our site engineer, Mr. Stires?

Mr. Ruban: Yes, that is correct.

Mr. Lanfrit: Okay, and subject to having them marked, Aravind. We would like to have them point out to the Board where those changes are. If you could pull up Mr. Stires' exhibit.

Mr. Ruban: Yes, one second. I had it open, let me open it again. It is that one.

Mr. Lanfrit: And subject to being accepted under Mr. Stires' qualifications, can you indicate to the Board where the deck is and where the lift is going to be on this exhibit?

Mr. Ruban: So, if you look at the...

Mr. Aithal: Could you please identify the sheet number of the exhibit first?

Mr. Ruban: It is Site Plan and Variance Plan, Page 1 of 1. Correct. So, in the rear of the building is the parking lot and you can see the grey area where it says Lot 13.02, 8,000 square feet. As you approach the rear of the building, there is an 8 foot handicap parking stall, an 8 foot, six accessible lane, which leads you to the stairs that are like in a darker brown. Actually, I think I can point to it. There is a darker brown area that is the deck that we have shortened. It is the stairs to the deck, handicap lift, and then this would be the stairs that would go up to the second floor of the existing building.

Mr. Lanfrit: And those would be the only changes that would be visible to the public if they were going to, that would be different when this project is completed, is that correct?

Mr. Ruban: Other than painting, that would be the only thing that you would probably...

Mr. Lanfrit: The building will be re-painted?

Mr. Ruban: Yes.

Mr. Lanfrit: Thank you. I have no further questions.

Mr. Ruban: Thank you.

Mr. Lanfrit: Mr. Chairman, are you on the call? Would you like to open it up to Board or public question for this witness?

Mr. Crum: Just a quick comment, you know typically we would get questions along the way from any Board members and if we don't, I would suggest that you keep moving forward with your presentation by the professionals.

Mr. Lanfrit: All right, I will move on to Mr. Stires. Mr. Stires, are you there? You have to unmute yourself.

David Stires, PE is sworn in

Mr. Lanfrit: Mr. Stires, what is your occupation?

David Stires, PE (Applicant's Engineer): Professional Engineer and Planner in the state of New Jersey. Graduated from Lehigh University in 1985. I worked with my family owned business for about 15 years in land use, surveying and environmental. I went off on my own 18 years ago and I have my own business in basically the same type of company: land use, development, surveying, and environmental services. And I've doing this for over 30 years and I have appeared before many boards for many applications including New Brunswick every year for Johnson and Johnson.

Mr. Lanfrit: I would offer the testimony of Mr. Stires.

Mr. Crum: Yes, Thank you. Mr. Stires is accepted.

Mr. Lanfrit: You prepared a site plan which is the subject of this application.

Mr. Stires: Yes, I did.

Mr. Lanfrit: And you prepared the exhibits that is before the Board this evening, which is Sheet 1 of the Site Plan?

Mr. Stires: Just to be clear, Aravind and the Board members, it is actually sheet 2 of 4. My renderer added to the pages that it is Page 1 of 1 rendering, but it basically is a colored rendering of Sheet 2 of the plan set which is a 4 page set.

Mr. Aithal: Mr. Chairman, I was trying to find... This is Aravind Aithal. I was trying to find Sheet 1 of 1, and I understand it is actually Sheet 2 of 4, but it was presented to the Board as Sheet 1 of 1, which is not in the packet that was submitted ten days prior and put on the website. So, if you can refer to Sheet 2 of 4. And if, Mr. Lanfrit, if you want to clarify with your prior witness' testimony so that he was testifying to the content of Sheet 2 of 4, not to what was presented and not entered into evidence properly ten days prior.

Mr. Lanfrit: Okay. Mr. Ruban, are you still on the phone?

Mr. Ruban: Yes, I am here.

Mr. Lanfrit: You put on the Board, Sheet 2 of 4, which is basically the uncolored version of the rendering that you referred to earlier. And that is what you testified to and that exhibit is consistent with your prior testimony, is that correct?

Mr. Ruban: That is correct.

Mr. Lanfrit: Thank you. Mr. Stires, can you first of all describe the subject property, its location, and surrounding land uses?

Mr. Stires: Yes. It's on Livingston Avenue. It's on the northeast corner with Redmond Street and Livingston. There's a church to the northeast, there is a school across the street in and generally speaking offices and apartments surrounding the neighborhood area.

Mr. Lanfrit: And can you indicate what is on the subject property at the present time? The number of parking spaces, so that the Board can have an understanding of what is there now and then we can go into what we are proposing.

Mr. Stires: Yes. There is an existing three-story building with a covered porch on the front on the Livingston Avenue side, the north side. There is a walkway that goes from Livingston around to Redmond on the...within the right-of-way, the state...excuse me, the county right-of-way on Livingston and the city right-of-way on Redmond, there is two very large oak trees on either side of the walkway into the building along Livingston, 24-inch oaks. There was some landscaped shrubbery that was cited along the covered porch, which has been removed, and we are proposing to re-plant. And then in the rear is the parking lot that has the parking spaces for ten parking stalls and to note two of the stalls just to the south or behind the existing building, they actually have access directly from Redmond, so in order to back out of those two parking spaces you will back out on to Redmond Street. So, they are a little...across the sidewalk, so they are a bit of nuisance relative to safety, that currently exist. And so, with respect to the proposal, on the front side, we were, as I said, we were going to rip out the landscape and redo the ground cover in front of the covered porch. In the rear, as Mr. Ruban indicated, we are going to provide the ADA accessible space and the ADA aisle to the left to the exist...the deck that will be modified. And we are going to turn those parking spaces that come in directly from Redmond, so that they enter in from the drive aisle, behind the proposed...or the existing building. And so, there is three parking spaces to the south of the handicapped or the aisle that goes to the left and the stairs. Then there is an ADA space on the north side, and there are existing six spaces on the opposite side along the rear property line. Those six spaces are at 8.4 feet in width. The state ordinance requires 9 feet, we would request a waiver, given the fact that we think parking is vital in the area, and that 8.4 feet that has existed for some time now. And those parking spaces have been utilized by the occupants of the building, or the tenants of the building over, you know, a long period of time. So, with respect to the three new parking spaces that now will face the back of the building. What we have done is we have narrowed the apron off of Redmond from about 40, 45 down to 30 feet. So, we are going to construct a new apron, neck it down to a formal drive aisle into the parking lot, that will provide access to the parking on either side of that drive aisle. And in addition, we are going to propose all new sidewalk on Redmond and around to Livingston, all the sidewalk along the frontage will be replaced as a part of the application. Lastly, we are going to resurface the parking lot in connection...in conjunction with the new sidewalks that are proposed on Redmond. So, the resurfacing of the parking lot behind the building. And there is one additional light that is proposed there is one dark area adjacent to the back of the building that we wanted to just provide additional lighting. There is PSE&G dusk to dawn lights on the pole in the south corner of the parking lot. And there is street lights along Redmond that provide additional lighting for the vehicle and pedestrians as they access the building.

Mr. Lanfrit: And Mr. Stires, by virtue of us changing the driveway configuration and shortening it, are we, in fact, making available an additional parking space in Redmond Street that is not currently there.

Mr. Stires: Yes, you would be.

Mr. Lanfrit: So, although it is not our parking space, we are creating a...by the reconfiguration of the parking lot, an additional parking space that is available either to visitors, to the public or to tenants of that building, correct?

Mr. Stires: That's correct.

Mr. Lanfrit: Okay. Also, if the Board is looking at the exhibit, there are four parking spaces that are located, basically, to the north of this property. Can you indicate what those parking spaces represent?

Mr. Stires: There's an arrangement or an easement to provide access and parking to the neighboring property to the north, and those spaces are utilized by the neighboring property owner. And one thing I did omit is that we are proposing a fence along the rear of the property, and that was as a result of comments by Board's professionals to provide somewhat of a buffer between the subject property and the property to the south. So, we did...we did propose that board on board fence, it's very limited there, only a couple feet there. We didn't have the opportunity to add landscaping in that location.

Mr. Lanfrit: Can you indicate to the Board compliance with respect to the zoning requirements both as to lot area and setbacks and things of that nature.

Mr. Stires: Yes.

Mr. Lanfrit: Can you quickly run through that?

Mr. Stires: The lot area is okay. The minimum required is 5,000 and 8,000 is proposed. Width and lot depth are compliant. The one issue that we do have is the side yard setback along the adjoining property to the north is 4.2 feet where 5 is proposed and then the front yard setback along Redmond is 1.5 feet where 15 is required. So, that little bump out on the north or the south side of the existing building is 1.5 feet from Redmond, the Redmond Street right-of-way.

Mr. Lanfrit: And those are both existing conditions, which are not being changed or exacerbated by this application, is that correct?

Mr. Stires: That's correct. We have the preexisting, you know, you have 11 parking spaces required for this building, 10 exist and 10 are proposed as indicated on the site plan.

Mr. Lanfrit: Okay. And is there a parking set back requirement that is required and that we are in deviation?

Mr. Stires: I think it's some preexisting items that the Board Engineer had indicated.

Mr. Lanfrit: And if we are in deviation, we are requesting the appropriate waiver from the parking setback, is that correct?

Mr. Stires: That's correct and again it's preexisting.

Mr. Lanfrit: With respect to loading facilities the ordinance required off-street loading are you proposing any off-street loading?

Mr. Stires: No, and as we discussed with our project team, we anticipate UPS, Fed-Ex, smaller box-type trucks, and they can either pull into the drive aisle or if there's available parking along Redmond, they can pull in along Redmond and deliver the package and go on their way.

Mr. Lanfrit: And in your experience in having designed facilities of this kind, do small professional office buildings normally have designated loading and drop-off areas.

Mr. Stires: They do not, no.

Mr. Lanfrit: Okay. The...can you review the landscaping and buffering and indicate to the Board, and indicate whether we are in compliance. If we are not in certain areas, can you indicate where we're not in compliance?

Mr. Stires: The one area I think that we're not in compliance based on the planning consultant's review is that there are four trees required along Redmond. And we discussed that with our client, and there are some underground conduits that run along Redmond, and a very narrow area to plant and we were concerned about uplift on the sidewalks and would request a waiver. Again, we have two beautiful, very mature 24-inch oaks in the front of the building. If we are required to plant the trees, our client has indicated that he would. But he does not think it would be practical to install them along Redmond.

Mr. Lanfrit: Can you indicate to the Board what landscaping we are proposing?

Mr. Stires: Yes. Let's look at that, yes. So, what our proposal is, is five hydrangeas, 11...I am not a landscape architect, so I am not sure what...11 plants that I'm not sure what they are, and two rhododendrons in the front of the along the porch, the porch in the front of the building.

Mr. Lanfrit: So, all the landscaping improvements are on the Livingston Avenue side of the building, correct?

Mr. Stires: Yes. We took out all the tired, old stuff, the applicant has. And we are proposing to reinstall basically fresh landscaping along that porch.

Mr. Lanfrit: And the remainder of the site does not afford you to the ability to provide any additional landscaping; is that accurate?

Mr. Stires: That's correct. The back and the Redmond side are virtually developed with pavement and/or concrete, or limited grass area, very limited areas.

Mr. Lanfrit: And as I indicate in my opening, we are now not going to be proposing a sign on this property, is that correct?

Mr. Stires: Yes, I discussed the sign and the new fence with the county planning department, and they basically indicated that, you know, improvements such as a fence and sign must be located on the subject property. And in talking to our client, the setback requirements off of Livingston Avenue basically would cut the property in half with respect to the fence, and put the sign back where it was not visible. So, we decided to pull them from the application.

Mr. Lanfrit: Mr. Stires, there were certain reports issued by the professionals that are either employed by and/or retained by the city of New Brunswick in conjunction with this application. There is a report from Mr. Burke dated March 9, 2020. Have you had an opportunity to review that report?

Mr. Stires: Yes.

Mr. Lanfrit: And we can comply with everything that is requested therein?

Mr. Stires: Yes.

Mr. Lanfrit: All right. We received a report at 5 o'clock this afternoon from D&R Engineering Mr. Carly. Have you reviewed that report?

Mr. Stires: Yes, I have.

Mr. Lanfrit: And in essence we have revised the plan and addressed all of his comments. And what is remaining there is a lot of post approval clean-ups, such as outside agency approval, notifying the city and things of this nature. But we, in essence, have almost addressed all of his comments from his first report, is that correct?

Mr. Stires: I would agree, yes.

Charlie Carly (Board Engineer, Delaware Raritan Engineering): If I may, this is Charlie, I felt that Mr. Lanfrit needed the guidance of a second review on this project, so that's why we issued this so late in the afternoon.

Mr. Lanfrit: It was well accepted and received, because it basically looks like we did our job. And I thank you, Mr. Carly, for submitting it even though it was late in the day. And lastly there is a report dated July 6, 2020 from Bignell Planning Consultants consisting of...let's see, a few comments and recommendations, and we can comply and address all of those comments and recommendation, is that correct?

Mr. Stires: Yes.

Mr. Lanfrit: And in addressing those comments and recommendations, would any of the changes that we would make to the plan in any way materially alter what the Board is looking at this evening or what was part of the original submission package?

Mr. Stires: I don't believe so, no.

Mr. Lanfrit: Okay. I have no further questions.

Mr. Crum: Thank you. Are there any questions from the Board?

Robert Cartica: This is Bob Cartica. I think I heard, although it was pretty garbled due to interference, that all or most of the violations that were note in the Bignell Planning letter have been addressed?

Mr. Lanfrit: The, either they have been addressed or we requested waivers. For example, the buffer along the rear of the property, Mr. Stires testified that there is only three feet to the rear of the property beyond the parking, and we are proposing a fence because landscaping is not possible. Again, we testified as to the reason why we do not want to propose any on-site loading. So, either we have address d the comments through testimony or if we have not, we can comply with them.

Mr. Cartica: Okay. A question concerning...this is Bob Cartica again. A question concerning the site plan, that was provided. There is a heavy dotted, black line towards the rear of the building,

what is that kind of curved black line that extends from the building into the parking area; is that grading or something like that? What's that dotted line indicate?

Mr. Lanfrit: Is this the line...are you on....are you on the phone or...

Mr. Cartica: Unfortunately, I can't see your plans, I just have it pulled off of the city's website. It's on...again, it's on your sheet 2 of 4 site plan...

Mr. Lanfrit: I am trying to figure out where it says .1836 acres, that dotted line?

Mr. Cartica: Yes.

Mr. Lanfrit: Can you respond to that, Mr. Stires?

Mr. Stires: Yeah. I am sorry my computer went dead on me, but I am here on the phone. The dash line is it differentiates between where we are overlaying the parking lot, with an overlay and where we actually have to build up the pavement to provided adequate grades for the accessible route into the building. So, there is actually more than two inches of blacktop inside that dashed area and towards the deck, and the back of the building and beyond that dashed area, is just an overlay.

Mr. Cartica: Okay. So, it's a grading, a grading issue?

Mr. Stires: Yes, yup, we had to build that area up, correct.

Mr. Cartica: And just one other question, I am not sure if this is relevant for the Board's decision. But is there an existing tenant in that third floor three-bedroom apartment and is there...what kind of notification or advanced notes does that residence get?

Mr. Lanfrit: The entire building is vacant. There is nobody in the third floor apartment at the present time. There are no tenants the first or second floor.

Mr. Cartica: Okay. All right, thank you.

Mr. Crum: Great. Any other questions from the Board? All right. Very good, I'm going to move on now to any public comment for this application. Dan, do you want to read the notice for public comment?

Mr. Dominguez: Yup, that will be no problem. I'm just checking to see if I'm unmuted or not. There is a bit of a lag, can you hear me?

Mr. Lanfrit: Yes.

Mr. Dominguez: What about now, just checking?

Mr. Crum: Yes. We can hear you.

Mr. Dominguez: At this time, we are preparing to open the meeting to public comment for 5 minutes per person. In order to ensure the Planning Board can hear from the interested public and the public can hear public comments, I will organize speakers in order by last name. In moment I am unmuting the public call-in. I'll ask that last names starting with A provide me your last, first name and home address. We will confirm the information is correct, then I will move on to the next person in the alphabet from A to Z. Upon completion of asking all last names from A to Z, I'll ask one more time for anyone who wants to be placed on the initial list of speakers. We will move

through initial list of speakers by calling the person by name and allowing them to speak for 5 minutes. Once we are complete, we will once again check to see if anything else would like to comment. After asking three times, I will close the public comments portion. Please be mindful that your voice is being telephonically transmitted and to slowly speak, slowly and clear for the benefit of all. I'll ask you please remain silent when I initially unmute the phone, so we can hear each other, then begin the speaker registration process. The phone is now unmuted. I'll ask any member of public on the phone, who would like the comment on this specific hearing with the last name starting with letter A, please state your full name and home address.

Mr. Dominguez reads through the alphabet once

Mr. Dominguez: Is there anyone from the public interested to speak that we didn't catch on the first run through of the alphabet? Anyone at all? Last call? Mr. Chair, seeing none.

Mr. Crum: Okay. That concludes public comment. Very good. Having no public comment do we have a motion to approve the application?

Mr. Dominguez: Mr. Chair, we have to read the conditions.

Mr. Crum: Yes, thank you.

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

Mr. Crum: Very good. Thank you, Katie. Hearing the conditions, is there anyone willing make a motion to approve this application?

- Motion to Approve
- I. Suzanne Sicora-Ludwig (Class III)
- II. Manuel Castaneda (Vice Chairperson)

	Yes	No
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)	✓	

Mr. Lanfrit: Thank you very much.

Mr. Crum: Thank you, congratulations.

Mr. Lanfrit: Thank you, have a good evening.

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Crum: That was our only public hearing for this meeting. Dan would you like to read the public comment, so that we can take general public comment?

Mr. Dominguez: At this time, we are preparing to open the meeting to general public comment for 5 minutes per person. In order to ensure that the Planning Board can hear from the public and so that the public can hear public comment, I will organize the speakers by order of last name. In a moment, I will unmute the public call-in, at that time I will ask for those with the last name starting with the letter A provide me with your last name, first name, and home address. I will confirm that the information is correct and then move on to the next person ordered alphabetically from A to Z. Upon completion of asking for all last names from A to Z, I will ask one more time for anyone that may want to be placed on the initial list of speakers. We will then move through the list of speakers by calling the person by name and permitting them five minutes to speak. Once we complete the list, we will check once again if anyone else would like to submit public comment. After asking three times, I will then close the public comment portion. Please be mindful that your voice is being telephonically transmitted, and to speak slowly and clearly for the benefit of all. I would ask that you please remain silent when I initially unmute the phone, so that we can all hear each other and then begin the speaking registration process. The phone is now unmuted.

I will now ask that members of the public that would like to speak on this specific hearing with the last name starting with A, please spell your full name and home address.

Mr. Dominguez reads through the alphabet once

Mr. Dominguez: Is there anyone who did not get on the first round of calling out the alphabet, that wants to speak? Anyone from the public? Last call. Seeing none.

Mr. Crum: Dan, I think you have set a new record for record book here. All right, can I get a motion to adjourn?

IX. DISCUSSION ITEMS

None

X. ADJOURNMENT

Motion to Adjourn

- I. Manuel Castaneda (Vice Chairperson)
- II. Suzanne Sicora-Ludwig (Class III)