



CITY OF NEW BRUNSWICK  
MINOR SUBDIVISION COMMITTEE  
AUGUST 31, 2020  
MINUTES

Meeting Location  
Remote Teleconferencing  
9:30 AM

I. ROLL CALL

Affiliation	Staff Attending	
Director of Planning	Dan Dominguez	X
Principal Planner	Katie Thielman-Puniello	X
Board Planner	Todd Bletcher	
Board Engineer	Charles Carley	
City Construction & Fire Code Official	Ed Grobelny	X
City Engineer	Dan Burke	X
City DPW & Engineering Representative	Tom Valenti	
Fire Department & Planning Board Representative	Chris Stellatella	X
Mayor's Designee	Ryan Berger	X
Planning Board Representative	Suzanne Sicora-Ludwig	X
Alternate & DPW Refuse and Recycling	Donna Caputo	

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 Minor Subdivision Committee 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 and Star Ledger. Additionally, a change of location notice and special meeting notice of the time, place and manner of conducting this meeting has been made by the Board Secretary as required by law and is posted in the back vestibule of City Hall, visible to the public 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 and Star Ledger.

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 Minor Subdivision Committee intends to meet on

a regular schedule, will meet using the guidelines of the Open Public Meetings Act by utilizing teleconferencing and video systems. 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 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 Minor Subdivision Committee meeting. During the portions of the meeting that are not open for public comment, all calls from the public will be muted and the Committee 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 Committee 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. Anyone needing assistance accessing the call number should call City Hall at 732-745-5007.

### III. SALUTE TO THE FLAG

### IV. PUBLIC HEARINGS

#### A. NEW BRUNSWICK-JERSEY URBAN RENEWAL LLC / 50 JERSEY AVENUE / BLOCK 185.01, LOT 11.01 AND BLOCK 222, LOT 1.04 (PB-2020-10)

Minor subdivision application to consolidate Block 222, Lot 1.04 and part of Block 185.01, Lot 11.01 into one parcel for future development. The proposed lot consolidation and subdivision will result in two parcels, Block 185.01, Proposed Lot A and Block 185.01, Remainder Lot 11.01. The lots will measure ±6.07 acres and ±4.3 acres, respectively. (*Thomas Kelso, Esq.*)

**Thomas Kelso, Esq., Applicant's Attorney:** I think you identified the application, essentially in its entirety, I would note that there are no variances associated with this minor subdivision. The minor subdivision is to carry out the intent of subdividing off the balance of Lot 11.01, which will become the new development site for the new school for the Board of Education and it's separated from the remainder of Lot 11.01, which is currently subject to a revised redevelopment agreement carried forward by Edgewood Properties of the New Brunswick-Jersey Urban Renewal entity that they formed. As you know, this site that is intended to be subdivided off is essentially all redeveloped already, but the remainder that will be consolidated with the second parcel does become the development site. Once again, there are no variances associated with it, and I do have Christian Roche from Langan Engineering who can provide engineering answers to questions that you might have. With that as a basis, I think you can go through the reports.

**Mr. Dominguez:** Sounds good. Typically, we start these meetings with planning report review, so Katie, you're on.

**Katie Thielman-Puniello, Principal Planner, Department of Planning, Community and Economic Development:** I have my August 17, 2020 report here. Just generally, the property description, the site is located to the east of Jersey Avenue to the south of Handy

Street, to the west of the Northeast Corridor rail line, and to the north of Delavan Street. There are three residential lots along Jersey Avenue that are not part of the site. Block 222, Lot 1.04 is vacant and looks like it was previously developed with a warehouse building. City records indicate that there have been permits issued for warehousing goods such as electronics, cosmetics and restaurant equipment. It was demolished sometime between 2013 and 2015. Block 185.01, Lot 11.01, Units 1-4 are developed with a shopping plaza, Unit 5 is vacant. The proposed development, I guess we've gone through that, but the applicant is seeking minor subdivision approval to consolidate Block 185.01, Lot 11.01 and Block 222, Lot 1.04 to create two new lots for future development. Both of the lots will have frontage along Jersey Avenue. The applicant is proposing an access easement to benefit Block 185.01, Lot 11.01, Units 1-4, which is perpendicular to Jersey Avenue and runs the entire width of proposed Lot A. No new development is proposed as part of this application. Just as a little background, the site is located in the Jersey-Handy Redevelopment Plan Area, which was adopted in 2005 and was last amended in 2019. The site was determined to be in a blighted area as of June 1986 and it's more specifically in the Community Commercial redevelopment area. If you look at Section 5, we outline the requirements of that zone and there are no required variances. And that's all I've got from my report. I can go over the review comments unless...should we do the public comment first or should we do the review comments first?

**Mr. Dominguez:** I defer to Aravind on that.

**Aravind Aithal, Board Attorney:** Let's go through the review comments and the public comments after the professionals.

**Ms. Thielman-Puniello:** Okay. Our review comments and recommendations for compliance are, number one, the applicant shall pay all fees owed to the city of New Brunswick, number two, all copies of approvals or exemption from any outside agencies having jurisdiction over the project, number three, the applicant shall file the subdivision with the county of Middlesex by deed or map in accordance with the Map Filing Act, and, number four, a draft subdivision deed shall be provided to the City Engineering Department for review and comment prior to signing by the Board Secretary and Planning Board Chairperson.

**Mr. Aithal:** Mr. Kelso, can your client comply with all of those conditions?

**Mr. Kelso:** Yes.

**Ms. Thielman-Puniello:** Okay, great, thank you.

**Mr. Dominguez:** All right, moving on to engineering comments, Dan Burke, you're on.

**Dan Burke, City Engineer:** I have only one comment. Everybody has covered the basics of the application. Two lots are being consolidated and then re-subdivided. The numbering of the tax parcels should be as approved by the tax assessor. The applicant should coordinate with that office for numbering of the proposed new parcels. That's all I have.

**Mr. Kelso:** If I might just comment on that. Just for the record. I note that the reports refer to the sequence of this being consolidated with the second parcel and then subdivision. I anticipated that we would subdivide 11.01 and then consolidate. It results in the same

thing. If the city requires it to be the other way, that's fine. What I would just suggest is that we, assuming there is an approval, that we speak to the assessor and ask the assessor what he prefers, because I think if we consolidate first, then you have to create a new lot number for the entire site, which would then have to change again when it's subdivided, I think the other way might be better, subdividing off 11.01 to the parcel for future development and then consolidate the other lot with it. But I'll leave that to the assessor because he might want to, if the assessor says, no, I'd rather see it done the other way because of the numbering sequence, that's fine. But I don't think it has any impact on our request for approval, it's just the question of what's the more logical way to proceed.

**Mr. Burke:** Mr. Kelso, this is Dan Burke, I would agree. I'd leave it up to the assessor as to how it should be done.

**Mr. Kelso:** That's fine, we can discuss that with him.

**Mr. Dominguez:** Okay, thank you Dan. Ed, do you have any comments from construction on this?

**Ed Grobelny, Construction Official:** No, I do not, everything is in order on my end.

**Mr. Dominguez:** Chris?

**Chris Stelatella, Fire Department & Planning Board Representative:** No, there's no comments from fire at this point.

**Mr. Dominguez:** Seeing as we're done with review comments, I will open it to public comment.

At this time, we are preparing to open the meeting to public comment for 5 minutes per person. In order to ensure the Committee 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 clearly 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 system is now unmuted. I'll ask any member of public 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. Charlie Kratovil and Ms. Lina Stork are placed on the initial list of speakers*

*Mr. Charlie Kratovil is sworn in*

**Mr. Charlie Kratovil:** For the record, Charles Kratovil with New Brunswick Today, but I'm also a city resident and I'm concerned about the plans that are being put before this body and I'm formally objecting to them, so I don't believe that the five minute limit applies. I do have a number of questions, this is the only opportunity to get answers from the applicant and I would like to ask them, so I'll begin by pointing out that this is not the Board of Education that is coming before this body, it is a private entity and they have some sort of deal to transfer the land to the Board of Education. I want to know, is that deal signed, completed yet and what is the sale price of the property?

**Mr. Kelso:** Are you directing that to me, Charles?

**Mr. Kratovil:** Sure.

**Mr. Kelso:** I don't have the answer to that, because I'm not handling it, but it's not relevant to the minor subdivision in any case.

**Mr. Kratovil:** Okay. It's been reported in the media that there won't be a cost associated with it. I think that that makes a big difference as to whether or not this is in the public interest. When would construction begin or complete on a new school if this moves forward?

**Mr. Kelso:** Again, I'm not handling any aspects of that. All I know is from media reports is the intent is to do this by the end of the year or the spring. But I'm only going by what I read in the media.

**Mr. Kratovil:** Is it true that your client still wants to build a fast food restaurant right next to the new school?

**Mr. Kelso:** I don't know the answer to that. I know that that was originally in the redevelopment plan, but I don't know of any immediate plan to come forward with any site plan for that. But it is part of what is permitted in the redevelopment.

**Mr. Kratovil:** I would think that the applicant should set forth for the record whether or not they would be developing further on the site, especially if it's that kind of use. Maybe the Committee should hold off on approving this subdivision until those answers can be obtained. What can you tell us about the contamination of the land and what's being done to remediate the contamination?

**Mr. Kelso:** I don't have the information, Charlie, I know from media reports that there is some remediation activities that will be necessary, but my client is subdividing this property in order for the property to be conveyed, so you'd have to direct those questions to what is now the new redeveloper, which has been identified and approved by the MCIA, which is a subsidiary of the New Brunswick Development Corporation.

**Mr. Kratovil:** I think that this committee is empowered to have an environmental impact statement for your project, but you've requested a waiver. Committee, will you reject that waiver and require an environmental impact statement because this is contaminated land and since the goal is to build a school for young children there.

**Mr. Kelso:** The applicant has requested a waiver because it's not relevant to the environmental impact statement. Obviously, the Planning Board would be required to make an inquiry into any environmental impact it may have as a result of, that would arise from a site plan, it's not relevant to the subdivision.

**Mr. Kratovil:** It's absolutely relevant.

**Mr. Aithal:** Mr. Kratovil, if I may. Mr. Kelso mentioned that this was a minor subdivision, you're carving off a portion of an existing lot and attaching it to another lot. No development is being proposed on either lot, so an environmental impact statement at this point is premature.

**Mr. Kratovil:** I'll just point out for the record that Mr. Kelso did say that the plan was for the Board of Education to construct a school here, so in light of his testimony, I think the Board should require an environmental impact statement and I hope that some of you can find it in your hearts to do the right thing and require that, and make them come back with that before you approve what they're asking you to. Can you tell me, as far as the developer's plans for the site, there were several phases, Phase 1 was the only one completed, correct?

**Mr. Kelso:** You're referring to the existing site?

**Mr. Kratovil:** Yes, the redevelopment area, Phase 1.

**Mr. Kelso:** To refer to them in phases is somewhat misleading because it has changed over the years. I think that the majority of the proposed development has been completed. I believe the only thing that is left, there was previously approved minor warehouse facilities along the railroad on the right side of the plan and what we refer to as the outparcels, those are the only approved parts of the development that haven't been completed yet, and as I indicated previously, I don't know if the developer intends to proceed with that or not, but their redevelopment agreement has been amended and renewed, so we'll have to see that going forward.

**Mr. Kratovil:** The original plan called for housing and a supermarket and the city touted that and advertised that that was going to be coming in the next phases, but it never came to pass, so I would say that's another reason the Committee should be skeptical of the applicant and not cut them any breaks. Again, it's not the Board of Education coming to you and asking for this, this is a private property owner who really espoused some big plans for redeveloping the site and never came through. They ended up building three buildings, a Walgreens, a strip mall and a bank that never opened, and they are being paid by then tenant for the bank. For the Board Attorney, when was the last time you represented the applicant, Edgewood Properties?

**Mr. Aithal:** That would be March 2017. Actually, no, I did not represent them in March 2017, that was the last time anybody in my firm represented them. The last time I represented them was probably some years prior to that.

**Mr. Kratovil:** Okay, but your firm was representing the developer just over three years ago and I would posit that that is not a good look at the very least, and you should have recused yourself, and I would like to point out some of the conflicts with Mr. Kelso, he's of course

the county government's top attorney and the county has given 25 million of taxpayer funds to support the Rutgers Cancer Institute to displace the Lincoln Annex School...

**Mr. Aithal:** Can I stop you for just a second? If your objection is jurisdictional in nature, you might want to separate them out. In terms of whether the applicant's attorney can represent his client before the Board, unless there's a jurisdictional objection, I don't find that there is a conflict.

**Mr. Kratovil:** I just wanted to point out that he represents the county and the county has committed tax money to support the redevelopment and displace the school, and now he's going before this Committee to request an application be approved to facilitate the construction of the new school on land that is owned by the company that is run by the Chairman of Robert Wood Johnson-Barnabas. Edgewood Properties is owned by Mr. Jack Morris and his spouse, and he is the head of the Robert Wood Johnson-Barnabas folks that have championed this plan to demolish one of the best performing schools in the city, replace it with an expanded hospital and force the students out to this contaminated piece of land that Mr. Morris will offload onto the city and the Board of Education, and it's a dubious plan and it remains to be seen if there will actually be a school built here, or like the plans for the supermarket or the housing for the site, it won't come to pass, maybe because of the contamination, maybe for other reasons, but I think this whole plan has been putting the cart before the horse and everyone on this Committee knows how I feel about it and knows how the community truly feels about it after the truth came out about what this would really do, so I'm urging you to use your power as Committee members to reject this application or table it and wait until we can get answers, what's it going to cost the Board of Education to potentially acquire this piece of land and what contaminants are on it, what's being done about it, when the construction would begin and complete, whether the developer wants to put a fast food restaurant right next to this new elementary school and if they've followed the promises they've made and these conflicts of interest.

**Mr. Dominguez:** I was going to tell you that your time has expired and to wrap up.

**Mr. Kratovil:** I would like to hear if any Committee members have a response, will you table this until some of these critical questions can be answered?

**Mr. Aithal:** Mr. Kratovil, you're essentially asking for a straw poll vote and that's not permitted.

**Mr. Kratovil:** Okay, well this is new to me, these kinds of meetings here. I think I should be able to ask these questions without the attorney interrupting me. That's my remarks. I hope you speak up and ask questions.

**Mr. Aithal:** There is nothing prohibiting Committee members from asking questions. It's inappropriate to ask for a straw poll on a vote one way or another.

**Mr. Dominguez:** Next on the list is Ms. Linda Stork. Ms. Stork, are you there?

**Ms. Linda Stork:** Yes, I am.

*Ms. Linda Stork is sworn in*

**Ms. Stork:** My concern is, as you know, the schoolchildren of New Brunswick. This is all being done to pave the way for the Board of Ed to acquire the property and for the huge school to be built and raze the Lincoln Annex, but this is totally not an appropriate use, the only thing that would make it worse is a fast food restaurant next to the school, I mean, talk about contributing to the obesity crisis and Type 2 Diabetes crisis amongst our youth. Anyway, the size and the scope of the project is inappropriate, so apart from all the environmental concerns and the location not being a good place for school, if you went over there and looked around, I'm sure you wouldn't want your kids to go to school there for a number of reasons, there's the pollutants that can seep up through no matter what kind of remediation, there's always that danger, there's also the traffic situation, Ms. Moore has documented, it's a horrible area for traffic and accidents and pedestrians and the other thing is the neighborhood...this is not...compare the neighborhood that the Lincoln Annex is in and compare the neighborhood, I think apples and oranges and the other thing is the size of the school. There is clear evidence that the size of the school, the larger the school the more it negatively impacts the academic performance of poor and minority children. I realize this is just one piece of the process, but it's all cogs in the same result that will come about is this huge school, way bigger than Lincoln Annex, which is already quite large for an elementary school, but at least it's older children. This is being proposed for Pre-K through eighth grade facility, over 1,000 children. The one thing we have shown, the one sure way to mitigate the effects of poverty on academic achievement and it's smaller schools. So, in the midst of the overwhelming evidence, we're being asked to be grateful for this huge monstrosity of a school, knowing that it will negatively impact the academic achievement of our kids, of our future. Why would we do that? This is not something that the jury is still out on.

**Mr. Dominguez:** That was the last of the registered speakers. Is there anyone here who would like to speak?

*Mr. Herb Tarbous is sworn in*

**Mr. Herb Tarbous:** I would like to comment on the process. It's clear that there is a credible amount of conflict of interest, I don't just mean here, but the whole process from the inception, the scheme to replace the Lincoln Annex for the benefit of the Robert Wood Johnson institution and I really question if the individuals involved are acting in the public good or are acting in their own self interest because it seems apparent to many people that the individuals involved in this are acting in their own self-interest and not the public good. That is my comment. Thank you.

**Mr. Dominguez:** Is there anyone else who would like to speak? Seeing none, Mr. Kelso do you have any closing remarks?

**Mr. Kelso:** No, I don't. I defer to the Committee.

**Mr. Aithal:** Mr. Dominguez, if I could just opine quickly, this is a minor subdivision, the subdivision and consolidation, neither of those acts raise any issues with regard to a variance, and there's no development as part of this application. The Board cannot consider the possibility of future development. The Board is narrowly focused in terms of what they're considering and what they are deciding on, if the subdivision is appropriate or not.

Mr. Dominguez: Any member of the Committee want to say something? Okay, can I get a motion.

**Motion to Approve**

First: Suzanne Sicora Ludwig

Second: Chris Stellatella

	YES	NO	ABSENT
Dan Dominguez	X		
Katie Thielman-Puniello	X		
Todd Bletcher			X
Charles Carley			X
Ed Grobelny	X		
Dan Burke	X		
Tom Valenti			X
Chris Stellatella	X		
Ryan Berger	X		
Suzanne Sicora Ludwig	X		
Donna Caputo			X

V. PUBLIC COMMENT

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 Committee 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 call-in, so we can hear each other, then begin the speaker registration process. The system is now unmuted. I'll ask any member of public who would like the comment on general comment with the last name starting with letter A, please state your full name and home address.

*Mr. Dominguez reads through the alphabet once*

*Ms. Lina Stork and Mr. Herb Tarbous are placed on the initial list of speakers*

**Ms. Stork:** I'm just so disappointed, I understand this is a narrow decision about a very narrow part of the project, but, you know, it is a part of the total project, and still you've made a decision in favor of a request that has no conceivable benefit to New Brunswick. So, I don't understand why, I feel like you need to make exceptions, why this needs to be done, what is the benefit to the citizens of New Brunswick if it facilitates the whole mater

plan, which is detrimental. Building the new school will be a detriment to the academic achievement of our students. So, were actively destroying something good that we have, destroying the Lincoln School and creating something that will negatively impact the academic achievement of the students. It boggles the mind. It's another little piece pushing forward.

**Mr. Dominguez:** Thank you Ms. Stork. Next is Mr. Tarbous.

**Mr. Tarbous:** Following up on what Linda was saying, the way that this process is playing out, at each step of the process is getting chopped up and narrowly focused is quite disturbing, especially when the folks involved in this process are all aware of what is going on, in our estimation, have all been briefed on what's going on, by the folks driving this process, and the idea that some information cannot be considered by the Board reminds me of some sort of criminal case where the accused criminal is afforded protections, guilt beyond a reasonable doubt, but that's not what we're talking about, we're talking about the public good, the folks on this Board are charged with protecting the public good and it seems to me and many others that everyone who's involved in this process is protecting their own careers and their own reputation in order to serve the people with the power and the money to push this project through, so the public be damned is what were getting from this, there's total disregard for the public good in order to serve the masters, whether you're on the Council, serve in the Mayor's office, the fire commissioner, it's an abdication of your duty to the public and it is quite, quite disturbing in this process.

**Mr. Dominguez:** Is there anyone else who wants to speak? Seeing none, motion to adjourn?

## VI. ADJOURNMENT

Motion to Adjourn: Chris Stelatella  
Second: Ed Grobelny