



CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 28, 2020
MINUTES

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

I. ROLL CALL

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

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 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 and Star Ledger. 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 and is also posted in the back vestibule of City Hall visible to the public through the windows in the lobby of City Hall, 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 Zoning Board 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 or video system. The public is encouraged to call in to the conference system through the phone numbers and access code transmitted in the above 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 and video 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 AUGUST 24, 2020 MEETING

Motion to Approve

I. Nancy Coppola (Vice Chairperson)

II. John Zimmerman

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

V. RESOLUTIONS OF MEMORIALIZATION

A. COMMUNITY ASSET PRESERVATION CORPORATION / 45 REMSEN AVENUE / BLOCK 140, LOT 4.01 (ZB-2020-10)

Motion to Approve

I. John Cox (Chairperson)

II. Nancy Coppola (Vice Chairperson)

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

VI. PUBLIC HEARINGS

Mr. Dominguez: We'll get into the regular meetings. Just a count for Mr. Lanfrit, that we have eight members present tonight.

Peter U. Lanfrit, Esq. (Applicant's Attorney): That's wonderful.

John Cox (Chairperson): I'm going to ask up front, does any member have any conflict with any of these, or should we just do them one by one?

Mr. Dominguez: Well, which application is going first, Mr. Lanfrit, since you have all of them; do you have a - are we doing 255 first?

Aravind Aithal (Board Attorney): Mr. Chairman, this is Aravind Aithal, I believe we should go by the order of the agenda, unless we make an announcement that it's going to be done differently.

Mr. Dominguez: It's just the agenda was redone in the recent past, so I just wanted to double-check with Mr. Lanfrit, that we'll continue with the new agenda with 255 going first, or if there are changes. Mr. Lanfrit?

Mr. Lanfrit: Can you hear me?

Mr. Dominguez: I can hear you.

Mr. Lanfrit: Okay. I thought we were going with Peces first, since that was a continuation. And then the two new applications, and we would start with 255.

Mr. Aithal: This is Aravind Aithal. Mr. Chairman, if the Board - as the Chair, you can change the order of the agenda. Just to reiterate, that's done by making an announcement that you're taking Peces first, and then indicating that 255 French Street will be second, and then 130 Redmond Street will be the third application tonight.

Mr. Cox: Yes, we'll accept that and go in that order, Peces Corp first.

A. PECES CORP / 159-161 THROOP AVENUE / BLOCK 217, LOT 1.01 (ZB-2019-05)

The applicant is returning to the Board to provide supplemental testimony in support of the "d(1)" use variance for the multifamily residential use. The applicant previously appeared before the Board seeking preliminary and final site plan approval with use, FAR and bulk variances for the construction of a four-unit multifamily residential building. Zoning district R-5A. (Peter U. Lanfrit, Esq.)

Mr. Lanfrit: Mr. Chairman, members of the Board, Peter Lanfrit appearing this evening. We were here on the last - on the August - I'm sorry, the July meeting. At that time, the Board granted a site plan approval for this project, an FAR variance for this project and certain related bulk variances for this project. After the meeting was concluded, your esteemed attorney and I had a conversation and Aravind indicated that he felt that there needed to be additional testimony to support the d(1) and/or d(5) variance, and that we focused on the other aspects of this application, to wit, the FAR variance and the site plan, but there was not sufficient testimony in his mind concerning the d(1) and/or d(5). So, I am back here this evening to present the testimony of Mr. O'Brien, who previously testified in this matter, solely for enhancing the record concerning the d(1) and d(5) variance. The reason we need the d(1) and/or d(5) variance is because we are in a single- and two-family zone and we are proposing, which the Board did approve, four units. Having said that, I would like to call Mr. O'Brien.

Mr. Cox: Please do so.

Mr. Lanfrit: Is he unmuted?

Kevin O'Brien, PP (Applicant's Planner): Yes. Good evening.

Mr. Lanfrit: Aravind, Mr. O'Brien was sworn in and testified at the July meeting, is there any need to swear him in again?

Mr. Aithal: Mr. Chairman, he was sworn in previously. He remains under oath from the prior meeting, as this is, essentially, a continuation of that prior hearing.

Mr. Lanfrit: Okay.

Mr. Lanfrit: And, Mr. O'Brien, since that last hearing, you're still a licensed planner?

Mr. O'Brien: Yes, I am.

Mr. Lanfrit: Okay. You heard my preliminary comments concerning why we are back here this evening. Can you indicate to the Board your conclusions with respect to the d(1) and/or d(5) variance?

Mr. O'Brien: Yes. Thank you very much. Tonight, we have been asked to add to last month's testimony concerning the d(1) use variance for a non-conforming use. The non-conforming use is a four-unit residential building, where one- and two-family residences are allowed. I'm also addressing the d(5), density variance criteria, for exceeding the allowed density. I'm relying on the testimony I gave last month concerning the unique circumstances of this application. But, of course, if need be, I'll be more than happy to reiterate those or answer any questions about them as we go through our testimony this evening. The Board is familiar with the criteria for reviewing

a use variance for a non-conforming use. The three prongs of special reasons, reconciliation with the master plan, and ensuring that the application have no negative impact upon the neighborhood and the surrounding properties. This application meets those tests. Special reasons are found in the purposes of the Municipal Land Use Law in New Jersey Statute 40:55D-2 in Sections A, G and I, which I referred to previously. This application also meets the master plan goal of providing needed housing as well as two ground floor ADA accessible units, and on-site parking, which very few of the properties in this area have. We have also shown, through our description of the unique circumstances of this application, that there will be no negative impact to the surrounding area or neighboring homes. In judging the merits of an application for a d(5) density use variance, the primary focus of the Board should be in accordance with this passage from the Cox book, the reference book that we use on New Jersey zoning. And he states “when a zoning board considers an application for density variances, they are tested against a more relaxed standard that requires applicants to demonstrate that the site will accommodate problems associated with the proposed use with greater density than what is permitted.” So, in this case our task is to show you that even though the density has been increased over what is allowed in the neighborhood, that we can accommodate those problems on our site. The use can accommodate - excuse me, the lot can accommodate the proposed use in a manner which conforms to the character of the neighborhood, which consists of properties with greater densities than proposed here on smaller lots than this. Lastly, the application for the density variance has got to meet the negative criteria and show there no negative impact and that the benefits of granting this application outweigh the detriments. This application provides needed housing, removes an eyesore, provides a residential building that is compatible with the neighborhood. So, in terms of both the d(1) use variance for a non-conforming use, and for a d(5) density variance, I conclude that this application can be granted without substantial detriment to the public good and without substantial impairment of the zone plan and zoning ordinance.

Mr. Lanfrit: Thank you, Mr. O'Brien. I have no further questions of Mr. O'Brien, Mr. Chairman?

Mr. Cox: Does any member - any member of the Board have any questions for this witness? Seeing none, I'll open it up to the public. Anyone from the public?

Mr. Dominguez: Well, hold on one second so I could - hold on. Well, hold on. Mr. Lanfrit, is that your only testimony? Just to make sure that we're not cutting you off and jumping into public comment.

Mr. Lanfrit: I'm sorry. That is my only testimony. We are presenting all - we presented at the meeting in July all of the testimony concerning the site plan, which the Board voted on, the FAR variance which the Board voted on. So, the only issue that we were back here for this evening was the d(1) and d(5) variance.

Mr. Dominguez: Understood. Just being clear. All right, thank you. So, at this time we are preparing to open the meeting to public comment on this application for five minutes per person. In order to assure that the Zoning Board of Adjustment can hear from the interested public, and that the public can hear public comments, I will organize the speakers in order by last names. In a moment I will unmute the public call-in. At that time, I will ask that those with the last names starting with A, to provide me your last name, first name and home address. I will confirm that the information is correct. Then I will move on to the next person alphabetically from A to Z. Upon the completion of asking for all last names from A to Z, I will one more time ask anyone who wanted 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 no more than five minutes to speak. Once we complete the list, we will once again check to see if anyone would like to comment. After asking

three times I will then close the public meeting portion. Please be mindful that your voice is being telephonically transmitted and to speak slowly and clearly for the benefit of all. I will ask that you please remain silent when I initially unmute the phones and audio, so that we can all hear each other and begin the speaker registration process. I am unmuting the phones now, so please be mindful. I have now unmuted all the phones from the public. Any member of the public now would like to comment on this hearing with the last name starting with the letter A, please state your full name and home address.

Mr. Dominguez reads through the alphabet once

Mr. Dominguez: Is there any one that did not make it onto the initial list of speakers who would like to add their name to the list of speakers? Anyone at all? Last call? Seeing none, I will mute the speakers. I unmuted everybody. That was a mistake. Chair, Mr. Chair?

Mr. Cox: Any member of the Board have any other questions or comments? Mr. Lanfrit, do you want to make any more statements?

Katie Thielman-Puniello (Principal Planner, Department of Planning, Community and Economic Development): Hey, Dan? This is Katie. There's - I can see someone by the name of Angela waving her hands. I don't know if you saw her.

Mr. Dominguez: Yeah, hold on. Okay. Angela? Were you trying to catch our attention?

Mr. Aithal: I think she's trying to tell Mr. Lanfrit to unmute.

Mr. Dominguez: Mr. Lanfrit?

Mr. Lanfrit: Okay. We are here this evening only for the purpose of supplementing your record to grant the d(1) and/or the d(5) variance for this project. I believe the testimony of Mr. O'Brien, as a professional planner, is clear and convincing. And that testimony, along with his previous testimony, as well as the testimony of our previous professionals, Mr. Johnson and Mr. Young concerning the site plan, support the grant of the d(1) and d(5) variance. And I would respectfully request that the Board grant that variance in addition to the other variances that they already granted. Thank you.

Mr. Cox: Thank you, Mr. Lanfrit.

Nancy Coppola (Vice Chairperson): Hi, this is Nancy. So, if we make a motion, are we making a motion to approve the whole project tonight, or just based on this testimony that we heard?

Mr. Aithal: Mr. Chairman, this is Aravind Aithal, again. The Board had previously voted on the site plan and the variance portion of the application, with the exception of the d(1) and d(5), which this supplements. So, the condition of the prior approval, and this will be supplemental testimony to amend that prior approval to include the d(1) and the d(5) variances.

Ms. Coppola: Thank you, Aravind.

Motion to Approve

I. Nancy Coppola (Vice Chairperson)

II. Chris Suman

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

B. WORLD’S BEST TEMPS, INC. / 255 FRENCH STREET / BLOCK 425, LOT 2.03 (ZB-2020-04)

Preliminary and final site plan application with a “d(6)” height and bulk variances to construct a new six-story mixed-use building with ground floor commercial and 50 residential units. Zoning district C-2A. *(Peter U. Lanfrit, Esq.)*

Mr. Dominguez: Excuse me, sorry, Peter. I’m going to try something, so hold on one second. Sorry about that. As you guys may have noticed, Mr. Cox was having some trouble with his feedback on his laptop, so I just brought him in closer. He will be able to speak through my device as needed. So, Mr. Lanfrit, I apologize for cutting you off. You may begin again.

Mr. Lanfrit: Thank you very much. Good evening, Mr. Chairman, members of the Board. Peter Lanfrit appearing on behalf of the applicant. This is an application for a site plan approval, FAR variance, height variance, and certain bulk variances in conjunction with a property known as 255 French Street in New Brunswick. This evening I intend to call five witnesses. I will go over who those witnesses are so I can cover all of the testimony. If the Board has any questions, they can reserve them for the specific witnesses. I do have Mr. Garcia, who is the applicant and is a principal of World’s Best Temps. I will also be calling Mr. Johnson, who is our architect. Mr. Young, who is our site engineer. I will also be calling either Mr. Dean or Ms. Dolan, whoever shall appear, for traffic testimony. And lastly, I will bring back Mr. O’Brien to present planning testimony in conjunction with this application. My first witness will be Mr. Garcia.

Mr. Cox: Just before we go there, I just want to make sure that no member of the Board has any conflict of interest with this. If any Board member has a conflict of interest, please state your name. All right. Seeing none, please go ahead, Mr. Lanfrit.

Mr. Lanfrit: Can we have Mr. Garcia sworn?

Arnold Garcia, sworn

Mr. Lanfrit: Thank you. Good evening, Mr. Garcia. You are a principal of World’s Best Temps, Inc.; is that correct?

Arnold Garcia (Applicant): Yes.

Mr. Lanfrit: And World's Best Temps, Inc. owns the property at 255 French Street?

Mr. Garcia: Yes.

Mr. Lanfrit: And what is currently located on that property?

Mr. Garcia: A nightclub and restaurant.

Mr. Lanfrit: Okay. And prior to the pandemic, was the nightclub and restaurant active and operating?

Mr. Garcia: Yes, sir.

Mr. Lanfrit: And at the present time, because of the pandemic it is not open, is that correct?

Mr. Garcia: Correct.

Mr. Lanfrit: Okay. As a nightclub what were the hours of operation of that facility?

Mr. Garcia: When we started, it was from 1:00 p.m. to 2:00 a.m. Wednesday through Sunday.

Mr. Lanfrit: And before the pandemic, were you keeping those same hours or did you have different hours?

Mr. Garcia: Close to the same hours. We cut it down to about from 3:00 p.m. to 2:00 a.m. every day.

Mr. Lanfrit: Okay. And at some point in time, you have made a decision that you want to relocate that nightclub?

Mr. Garcia: Yes, maybe, if I find a property, I will relocate that on Jersey Avenue, if possible.

Mr. Lanfrit: Okay. And why do you want to close it down on French Street and propose housing on that property?

Mr. Garcia: I think it's about time to give the residential peace and quiet on the weekends and after hours. The traffic and the noise and everything will be better to move on and give peace and quiet to the neighborhood.

Mr. Lanfrit: Okay. And the proposal that we have before the Board, and we'll have our professionals go into a lot of detail concerning that proposal, is to provide a six-story building with 50 apartments, correct?

Mr. Garcia: Yes.

Mr. Lanfrit: And a portion of the first floor would be commercial in nature, is that accurate?

Mr. Garcia: Yes, sir.

Mr. Lanfrit: And what were your thoughts concerning the commercial use on that first floor?

Mr. Garcia: Maybe a drop-off and a little grocery store.

Mr. Lanfrit: And was the intent to really focus on serving the residents of the apartments living on that property?

Mr. Garcia: Yes.

Mr. Lanfrit: And there is also another portion of the first floor, which is going to be related to the apartment complex. Can you indicate what is the intent of that portion of the first floor?

Mr. Garcia: That will be for the tenants to use it as a reunion, conference, little parties for their own residential people there.

Mr. Lanfrit: Okay. So, the 3,800 square feet will be retail space that is open to the public and primarily serves to focus the residents. The rest of the first floor space is common tenant space as an amenity to the apartments; is that correct?

Mr. Garcia: Yes, correct.

Mr. Lanfrit: And now, one of the variances that we will be seeking is parking. Do you at the present time own other apartment complexes along French Street in this general area?

Mr. Garcia: I have about four buildings on French Street.

Mr. Lanfrit: Okay. And none of those buildings contain 50 units, they're all less than 50 units, correct?

Mr. Garcia: Yes, correct.

Mr. Lanfrit: And all of them have parking ratios of 1-to-1 or less generally, is that accurate?

Mr. Garcia: That's accurate, yes.

Mr. Lanfrit: And you reviewed with Ms. Dolan from Dolan & Dean Consulting, all of those apartments that you own and the parking spaces available within those apartments on French Street, correct?

Mr. Garcia: Correct.

Mr. Lanfrit: And Ms. Dolan will then testify as to all of those rather than have you go through them.

Mr. Garcia: Yes.

Mr. Lanfrit: In general, with respect to the units that you own, what do you find is the situation with respect to parking? Is there a parking problem with any of your units?

Mr. Garcia: There is no problem with the units' parking spaces, because everything is close to the buildings. All the necessities, the grocery store, laundromats, liquor stores, all the necessities are a walk away from any building on French Street.

Mr. Lanfrit: And this building is similarly situated - the proposed building is similarly situated as the other buildings on French Street?

Mr. Garcia: I believe this one is even better, because there is a bus station right in front of the building.

Mr. Lanfrit: Okay. Thank you, Mr. Garcia. I have no further questions.

Mr. Garcia: Thank you.

Mr. Cox: Any member of the Board have any questions for Mr. Garcia?

Christian Sumano (Board Member): Christian Sumano.

Mr. Cox: Go ahead, Christian.

Mr. Sumano: So, a quick question about maintenance-wise, are you going to have your own guys for recycling, making sure there's no litter, etc.?

Mr. Garcia nods

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

Mr. Cox: Thank you, sir.

Mr. Dominguez: Thank you, Christian. Any other member of Board have any questions for this witness? Seeing none, Mr. Lanfrit, please go on to your next witness.

Mr. Lanfrit: Before I call him, do you have the exhibits that were proffered for this hearing and can you put them up? Because I think the next two witnesses can go through the exhibits and I think the meeting will go a lot quicker and a lot smoother with those exhibits.

Mr. Cox: We're getting to them right now.

Mr. Lanfrit: Okay. My next witness will be Mr. Johnson, so that you can find his floor plans and elevations.

Mr. Dominguez: Does it have a specific name? We've got a lot of documents on this application.

Mr. Lanfrit: They should all be under his name.

Mr. Dominguez: All right. I'm going to do a screen share. Hold on one second. So, you're seeing my screen. And this is the list of items for your - for your application. So, if you see what you want to speak on, let me know because none of them are labeled "Larry Johnson."

Mr. Lanfrit: Okay, let me see if I can find them.

Mr. Garcia: Architectural plans.

Mr. Dominguez: Oh, okay. That should be helpful.

Mr. Lanfrit: Mr. Garcia is serving as my co-counsel this evening.

Mr. Garcia: Sorry, sir.

Mr. Dominguez: Mr. Lanfrit, is Mr. Johnson ready to be sworn in?

Mr. Lanfrit: He's there and ready.

Mr. Dominguez: Mr. Johnson, can you please state your name, spell your last name, for the record?

Mr. Lanfrit: Larry, you have to unmute yourself.

Larry Johnson, AIA, sworn

Mr. Lanfrit: Mr. Johnson, you're a licensed architect in the state of New Jersey?

Larry Johnson (Applicant's Architect): Yes, I am.

Mr. Cox: Mr. Lanfrit, this is the Chair, Mr. Johnson has been before us many times before. Have your credentials changed since the last time you were before us, Mr. Johnson?

Mr. Johnson: No, they have not.

Mr. Cox: All right. We'll accept you as an expert in architecture.

Mr. Lanfrit: Thank you, Mr. Chairman. Mr. Johnson, you prepared both the floor plans and elevations for this building; is that correct?

Mr. Johnson: That is correct.

Mr. Lanfrit: And the exhibit that is currently before the Board, which is part of the plan set shows the building that we are proposing. And as a matter of fact, we did submit a colored rendering of that building, which, hopefully, is in the Board's packet, but for the purpose of your testimony, if you would describe the building that we are proposing and the materials that we will be using to construct that building?

Mr. Johnson: Yes. The ground floor where you can see windows setback and there's parking underneath the overhang, the base of the building is poured concrete and concrete columns with black tile-like brick surface. The second floor is a brick floor with columns on corners and bands on corners. The floors 3 through 6 are - there's brick outset segments on the corners of the building and the inset portion, which look like rectangle squares are - they're fairly new panels that are cladding that are applicable for a system of channels and angles to apply the panels, and then it's topped off with a precast cap.

Mr. Lanfrit: And the colors of the brick, have you chosen those?

Mr. Johnson: Yes. The brick that is above the first floor is a red. It looks like a used brick but it has some character to it. And then the panels which are interchangeable there were several colors that was difficult to show here the exact colors that they manufacture, but they have an array of colors. But we were looking at a lighter board panel that would be applied in approximately two-foot by four-foot gradation.

Mr. Lanfrit: And would all of those panels be the same color, or are you proposing or will you be proposing to have different colors in those panels?

Mr. Johnson: Right now, we're looking at all the same color for the panels.

Mr. Lanfrit: Okay. And it's a whitish-grayish color looking at the rendering?

Mr. Johnson: Yes, it's more like an ash wood look to it.

Mr. Lanfrit: Okay. And the bands around, between the first and second floors, and between the second and third floor, what are the materials and colors of those bands?

Mr. Johnson: Those bands are a cream color precast concrete bands. And it's the same color that the crown would be.

Mr. Lanfrit: Okay. And the crown is basically a decorative crown and a parapet around the building?

Mr. Johnson: That is correct.

Mr. Lanfrit: Are there any mechanicals that are proposed to be on the roof of the building?

Mr. Johnson: Yes, there are.

Mr. Lanfrit: And what are those mechanicals?

Mr. Johnson: Well, they're compressors for the air conditioning for the commercial spaces. All of the residential have their own through-the-wall air conditioning and heating units. So, the only condensers that we have are the ones for the commercial space on the first floor. And they are mounted on the roof and I believe they're shown on another sheet.

Mr. Lanfrit: And those condensers and also the air conditioning, would those be visible by a motorist traveling along Route 27 or a pedestrian walking along the street?

Mr. Johnson: They would probably have to be 10 to 15 blocks away uphill in order to be on top of the roof.

Mr. Lanfrit: Okay. So generally, the parapet and their location essentially screens all of those mechanical structures from the public?

Mr. Johnson: Yes, they do.

Mr. Lanfrit: Now, the units - let's go to the ground-floor. You have sort of outlined the square footages, but can you indicate how the ground floor is broken up and where the commercial space

is in relationship to French Street? And if you believe another exhibit is more helpful, we can ask Mr. Dominguez to move to one of your other exhibits.

Mr. Johnson: We can go to the First Floor Plan. Which would be -

Mr. Dominguez: This one, A-3?

Mr. Johnson: A-3, yes.

Mr. Dominguez: There you go.

Mr. Johnson: Yes. You have an entrance to the building for the public for the residential is at the lower right-hand side of the sheet. And there is a lobby which also has the fire command space, where they would have control of the elevators and other things in case of an emergency. It has a staircase and an elevator at that lobby space, which is the public lobby space. And then on the opposite side of the building there is another staircase that goes through all the floors and also an elevator that reaches the basement all the way to the roof. The rectangular space at the lower-left corner is the community space, which has its own bathrooms and exit, two means of egress. And then the commercial space is on the, what I would call, the horizontal line through the building. About a quarter of the way up is a fire-rated wall that separates the community space from the retail space which we assume may be a laundromat or a small bodega.

Mr. Lanfrit: Where is that retail space oriented in conjunction to French Street?

Mr. Johnson: The front doors and windows on the right side of the floor plan facing the title box, there are exit doors there. That's the facade that faces the front street up close to the building. It's not perfectly parallel, but as you come around that curve that's the first elevation that you would see.

Mr. Lanfrit: So, the residential tenants would have their own separate entrance - they actually have two separate entrances and exits to the building. And the retail space would have its own separate walk-in entrance from the front of the property towards French Street?

Mr. Johnson: That is correct. And it has a service ware entrance. So, we have two means of egress and have some place for service to be brought in the rear of the building.

Mr. Lanfrit: Okay. Can you now take us to the floor plans of the residential units? And would that be A-4 of your plan set?

Mr. Johnson: Yes.

Mr. Lanfrit: Okay. And can you explain - and I assume these are essentially the same for each and every floor?

Mr. Johnson: That is correct, each floor is pretty much identical.

Mr. Lanfrit: All right. So, can you take the Board through the floors, the number of bedrooms in the units, and what the units consist of and the approximate square footages?

Mr. Johnson: Yes. You will have to excuse me, the text is so small the old eyes can't see it here. So, I'm going to get my full-size set and I just need to step aside for a minute. Okay. There's ten

units on each floor. There is an elevator and an exit stairway at each far end of the building for safety reasons to have each apartment having two means of egress. And it goes to, I am showing here 2A through 2I. And if we start with 2A, the living, dining, kitchen is 396 square feet. The bedrooms are 150 and the one at the corner is 240. 2B, has a 387-square-foot public space. And the bedrooms are 159 and 193 square feet. The 2C is the one single bedroom unit on each floor. And the one-bedroom is a little over 200 - 224 square feet and has 419 square feet in the public area. As we then head down the corridor going toward the other elevator, we have 2D, which has 333 square feet in the public area and the bedrooms are 196 and 233 respectively. 2E, we are 550 square feet in the public area and the bedrooms are 166 and 189 square feet. And then in the corner of the building we have a utility room where we're bringing utilities all the way up through the shed and through the public corridor to handle electric panels and fire alarm equipment and so forth. Then the other bedrooms - the rest of them are all two-bedroom units. They range from 191 to 164 square feet average. The corridor is seven-foot-wide. In some of the other projects we have done for Arnold they're usually 5 or 5 and a half, but here we're doing seven because we're handling a much higher volume of residents. There's fire walls between each unit and especially the corridors.

Mr. Lanfrit: Is it fair to say, Larry, that there's a mix of one bedroom and - one one-bedroom and nine two-bedrooms on each floor, but there is a mix of two-bedrooms in size which gives prospective tenants choices in varieties of units? They're not all the same; is that correct?

Mr. Johnson: That is correct. They're not what we would call cookie-cutter, all the same unit. Each unit is fairly unique and a little bit different in size and window orientation for a variety.

Mr. Lanfrit: Okay. And I note in there that there's also a balcony available in one of the units; is that correct?

Mr. Johnson: Yes, the balcony is there for getting light into those units but also it's right adjacent to the access place for where people can come around and use the trash chute to drop their trash down into the bins below.

Mr. Lanfrit: Okay. Speak to the Board about how garage is handled.

Mr. Johnson: Actually, the site engineer is better at what happens at the site. But from the inside of the building, each tenant has a - they don't have to leave their floor to take the garbage out. The garbage goes down, they drop it down in the chute. We have done this very successful for Mr. - for our owner. You have to excuse me, it's not the - it's the brain and the age, not that I can't remember the owner's name. But the chute seems to work out very well in terms of bringing the garbage down to the place within the site. And the trash company picks up the garbage. And I believe it's on a daily basis is.

Mr. Lanfrit: And so each floor has access to the chute and basically the garbage is taken to the basement; is that correct?

Mr. Johnson: It goes to the containers that are at the exterior.

Mr. Lanfrit: Exterior, I'm sorry. And then from there I will have the site engineer deal with the garbage.

Mr. Johnson: Yes.

Mr. Lanfrit: Okay. Thank you, Larry. Just one other quick question. Going back to the exterior of the building, are we proposing any lighting on the building itself, either for decorative illumination or for any identification?

Mr. Johnson: Yes, we have a sign panel on the front of the building that we will be lighting up from the building and from the site. We have lighting underneath the overhangs as you would call them, where the parking is underneath. And that area will be lit up with recessed exterior lighting. And I know there's site lighting in addition to what I have for security lighting.

Mr. Lanfrit: Okay. Thank you, Larry. I don't have any other questions.

Mr. Cox: Any member of the Board I have any questions or comments for Mr. Johnson?

Nancy Coppola (Vice Chairperson): Yes, John. This is Nancy. I have a couple of questions.

Mr. Cox: Sure. Go ahead.

Ms. Coppola: So, for parking was the parking spaces that I saw on the one diagram, were they - what streets were they located on?

Mr. Johnson: There's only one street; that's French Street.

Mr. Lanfrit: And can we go back to - I guess it's A-1 was the exhibit that I think you're referring to?

Ms. Coppola: Yeah. Because it looked like the parking went around the building.

Mr. Johnson: Yes, it's all on the same site. Once you drive onto the site, you can drive -- and I think the site engineer might be able to, better than I can, but certainly there's only one entrance and one exit from the site to French Street.

Ms. Coppola: Okay. So, do those cars actually back out onto French Street, or is there like space there? It's hard to tell on the diagram.

Mr. Johnson: Well, that's what I I said, the site engineer could address this better. But there is a driveway with parking on both sides of the driveway before people - they would back out just like they would go to the grocery store, back out into an aisle and then drive down the driveway onto the main street -

Ms. Coppola: Okay, that makes sense.

Mr. Johnson: - to the street.

Ms. Coppola: Okay. Then I just have one other question. Are there two - I saw two stairways, but there are also two elevators?

Mr. Johnson: Yes.

Ms. Coppola: Okay. Thank you.

Mr. Johnson: You're welcome.

Mr. Dominguez: Any other member of the Board have any questions for this witness?

John Zimmerman (Board Member): Yes. This is John Zimmerman.

Mr. Dominguez: Sure, John. Go ahead.

Mr. Zimmerman: I just want to double-check, Mr. Johnson. Is there any proposal for any kind of parking safety barriers or blocks to put on the site to prevent cars from going into that first floor retail space?

Mr. Johnson: We have wheel bumpers which show on the site plan. We have bollards to protect the columns. But we do not have concrete barriers between the curb and the windows, we do not have that. We have curbs and we have concrete stops for the wheels.

Mr. Zimmerman: The wheel stops you see in most parking lots?

Mr. Johnson: That is correct. [Inaudible] Yes.

Mr. Zimmerman: Okay. Are those windows all glass down there on the first floor?

Mr. Johnson: Yes. Those are safety glass windows along that front - well, it's the front facade and the side facade, yes.

Mr. Zimmerman: Okay, very good. Thank you. That's all for me.

Mr. Cox: Thanks, Joe. Any other member have questions or comments for this witness? Seeing none, please call your next witness, Mr. Lanfrit. Mr. Lanfrit?

Mr. Lanfrit: Yes.

Mr. Cox: Call your next witness, sir.

Mr. Lanfrit: Mr. Young.

Mr. Dominguez: Mr. Young, can you please state your name, spell your last name for the record. Mr. Young?

Noel Young, PE (Applicant's Engineer): Yes.

Mr. Dominguez: You need to unmute yourself. So please state your name, spell your name for the record.

Noel Young, PE, sworn

Mr. Cox: Mr. Young, you have last appeared before this Board before, correct?

Mr. Young: That's correct, yes.

Mr. Cox: And your credentials haven't changed in any way since the last time you appeared before this Board?

Mr. Young: No.

Mr. Cox: All right. We'll accept you as an expert.

Mr. Lanfrit: Thank you, Mr. Chairman. Mr. Young, you were the site engineer who prepared the site plan which is the subject of this application?

Mr. Young: That's correct, yes.

Mr. Lanfrit: And can you describe the subject property in its current condition and also the surrounding land uses around it?

Mr. Young: Okay. The existing - for existing condition, the site has been previously developed in a one-story building for nightclub and restaurant. The rest of the site surrounded by parking area/pavement, except for the area, the eastern section of the site, where the Mile Run Brook is located.

Mr. Lanfrit: And other than the area of the brook, the rest of the site is fully developed with either building or impervious coverage; is that correct?

Mr. Young: That's correct, yes.

Mr. Lanfrit: Okay. Can we bring up Mr. Young's exhibits? And by the way, I think I found a current picture of the -

Mr. Dominguez: Mr. Young, do you know which one of these is the exhibit that you want to show the public?

Mr. Lanfrit: Mr. Young, is it Sheet 2 of your site plan that would be best to bring the Board around the site?

Mr. Young: Yes, in drawing - site plan is in Drawing 2. Drawing 2 of 7.

Mr. Lanfrit: And Sheet 2, which was brought up on the screen by Mr. Dominguez, is the site plan of the proposed development; is that correct?

Mr. Young: That's correct, yes.

Mr. Lanfrit: And if you look at the exhibit on the left side of it is French Street and on the right side of the exhibit is Somerset Street; is that accurate?

Mr. Young: Yes.

Mr. Lanfrit: But this property does not go all the way out to Somerset Street, does it?

Mr. Young: That's correct.

Mr. Lanfrit: Okay. So, it only fronts on French Street and it only has access on French Street?

Mr. Young: Correct.

Mr. Lanfrit: Can you take the Board through the site starting with how people get onto the property, how they get off the property, and what they do when they are on the property?

Mr. Young: Okay. Our access to the site in existing condition, the full frontage, the curb is not curb, but it means that there is no defined entrance point on the existing condition. But proposed condition we are providing a 30-foot wide driveway and close everything, making it full curb, except for the driveway. So now it's more defined. So, the vehicular access is now clearly in one spot going into the site.

Mr. Lanfrit: And that would be the furthest point of the [inaudible]. That's correct?

Mr. Young: That's correct.

Mr. Lanfrit: Closest to the triangle where Somerset Street intersects with French Street?

Mr. Young: That's correct.

Mr. Lanfrit: Okay. And then the building is centrally located on the site?

Mr. Young: Yes, yes.

Mr. Lanfrit: And [inaudible] and the parking is located on all sides of the building?

Mr. Young: It's located all sides of the building except on that other side. We removed the parking in the rear, the existing parking there, and replace it with - we replace it with lawn area, landscaping area.

Mr. Lanfrit: Okay. And how many parking spaces are we proposing?

Mr. Young: We are proposing 50 parking spaces of which three are handicapped.

Mr. Lanfrit: And that is compliant with existing codes and regulations?

Mr. Young: I think required is - I think it requires more than that, but we are proposing 50 parking spaces.

Mr. Lanfrit: I'm talking about the handicapped parking spaces?

Mr. Young: Yes, we have two van access and one - two van accessible and one regular parking. Yes, it is in compliance.

Mr. Lanfrit: Okay. And you are proposing 50 total parking spaces. And, as pointed out in the staff reports, we have a deficiency and we need a variance for the parking. Is that correct?

Mr. Young: That's correct.

Mr. Lanfrit: Can you take the Board through the site as far as the lot area requirement? What is the requirement in the zone and what is the size of this lot?

Mr. Young: Okay. This is in zone C-2A, and the required lot area is 5,000 square feet. The existing and proposed of this lot is 38,557.

Mr. Lanfrit: Which is roughly two acres?

Mr. Young: No, it's roughly .89 acres. It's 38,000.

Mr. Lanfrit: 38,000 sorry. And what is the frontage on French Street?

Mr. Young: Okay, the frontage on French Street, the required - you're talking about the width of the site? The required is 50 feet and this is around 180 feet frontage.

Mr. Lanfrit: All right. And does the site and does this building meet all of the side yard and rear yard setbacks?

Mr. Young: Yes.

Mr. Lanfrit: Are there any variances at all in conjunction with this application, other than the height variance, the FAR, and the parking?

Mr. Young: The building height, we are in variance of the building height, which is - the required is 40 and we are proposing 65 to the top of the parapet.

Mr. Lanfrit: Right.

Mr. Young: And with regard to the floor-area ratio I believe we are in compliance with that; are we not?

Mr. Lanfrit: Okay. And are there any other bulk variances?

Mr. Young: No.

Mr. Lanfrit: Is there an issue with a parking space in the rear yard?

Mr. Young: Parking space? There is a - there are in the report of Mr. Bignell there are some area where we have a problem with the setback, but some of them are existing. Like he noted about the pull - setback of pulling something from the parking lot to the property line, but it's the setback of the existing retaining wall.

Mr. Lanfrit: Just so we have it clear for the record so if a resolution is drafted it's accurate, are there parking spaces that are in the rear yard setback?

Mr. Young: In the rear yard setback? Yes. Can you repeat that, rear setback? On the building setback? There is a ten-foot setback, rear yard 1 setback, but I don't know if that's what -

Mr. Lanfrit: Is there a parking space within that setback which is a violation?

Mr. Young: The five-foot setback - let me check - there is a setback violation of 3.5 feet, that was set back from the front setback, yes.

Mr. Lanfrit: From the front setback?

Mr. Young: Yes.

Mr. Lanfrit: Okay. And which - and is that for a parking space?

Mr. Young: Yes.

Mr. Lanfrit: And which parking space is that so the Board can understand where that is?

Mr. Young: That's adjacent to French Street.

Mr. Lanfrit: Closest to the driveway entrance or -

Mr. Young: Yes.

Mr. Lanfrit: Okay.

Mr. Young: Closer to the driveway, yes.

Mr. Lanfrit: Okay. And obviously we can take that parking space out, but that would give us one less parking space; is that correct?

Mr. Young: That's correct, yes.

Mr. Lanfrit: And is it because of the curvature of the road that the setback is different from that, for that parking space, as opposed to the other parking spaces?

Mr. Young: Yes.

Mr. Lanfrit: Okay.

Mr. Young: Yeah. Yes.

Mr. Lanfrit: Can you indicate to the Board how refuse is handled?

Mr. Young: The refuse?

Mr. Lanfrit: Garbage.

Mr. Young: The refuse, yes. What we did is we moved the trash enclosure to the back. This is approximately 20 feet by 10 feet. This is in compliance with the engineering department because they require us to put - that we can accommodate two dumpsters. So, the width of this trash enclosure now is 20 feet. So what we did is we provide a, like a concrete walkway, concrete way, around 7-foot or 5-foot width, where the chute that comes from the building can be rolled on that concrete sidewalk into the trash enclosure. So, one of the dumpster will alternate from the trash enclosure into the chute. So, if you look at the site plan you can see that there's a walkway there and we will - we can roll the dumpster all the way to the trash enclosure so now it's closer distance than I previously designed. [inaudible]

Mr. Lanfrit: So, the trash enclosure is along the entrance driveway along the rear property line, correct?

Mr. Young: Yes, correct.

Mr. Lanfrit: And the garbage that comes from the building comes to the ground level at the corner of the building where there's an indentation?

Mr. Young: Yes.

Mr. Lanfrit: Okay. And that - so you would put a dumpster there where the garbage comes from the building, and then that garbage is - or that dumpster, when it gets full, is rolled out to the container?

Mr. Young: That's correct, yes.

Mr. Lanfrit: Okay. And that container, you did all the turning radiuses, can be accessed by a garbage truck, and there's no problem with the garbage truck coming in and picking up the garbage and leaving?

Mr. Young: Yes. And I did that into the plan.

Mr. Lanfrit: Okay.

Mr. Young: In this drawing, this Drawing Number 2, you can see that on the right side portion of the -

Mr. Lanfrit: All right. Can you talk to the Board about lighting? What kind of lighting are we proposing around the property? And I'm not talking about the lighting that Mr. Johnson testified to under the building. Do we have any lights in the parking lot for safety and security reasons?

Mr. Young: Yes. The existing lighting will be removed and we will be putting lighting and some of them are free-standing, some of them are wall-mounted. Approximately 16 feet in height. And we provided a - a photometric foot-candle of this in one of the drawings. And this will comply with the requirement of the engineer. The spillage, if there's anything, any spillage, will be controlled by the house shield. And all the area within the perimeter will have a maximum of 0.25-foot-candle.

Mr. Lanfrit: Okay. Now, to the right side of the property is a brook; is that correct?

Mr. Young: That's correct, yes.

Mr. Lanfrit: And is that brook regulated?

Mr. Young: Yes.

Mr. Lanfrit: And are there any approvals or permits that we need in conjunction with this development I because of its proximity to the brook?

Mr. Young: Yes. Yes. We received NJDEP flood hazard area approval. We received DRCC exemption, designation of exemption for this. And also, we received an LOI for freshwater wetland. All of these documents have been submitted to the town.

Mr. Lanfrit: And there is no encroachment within any of those setbacks or requirements of the DEP, DRCC or the State of New Jersey, is that correct?

Mr. Young: That's correct, yes.

Mr. Lanfrit: Okay. Is there an easement of any kind that runs in the vicinity of that brook?

Mr. Young: Yes. There is an existing interceptor. Sanitary interceptor from North Brunswick. I think it's owned by North Brunswick. And then we are providing -- we show that in the plan and we are providing an easement of 20 feet up from that line into our site. So, we are providing, as noted in the plan, it's indicated there, that we are providing an access and maintenance easement to be dedicated to the owner of that interceptor.

Mr. Lanfrit: Which is North Brunswick?

Mr. Young: Which is North Brunswick, yes.

Mr. Lanfrit: And are you aware that there is [inaudible] a sanitary sewer easement to an adjoining property owner in that area?

Mr. Young: Sanitary [inaudible]

Mr. Lanfrit: For the record, Mr. Chairman, I will just interrupt at this time to just indicate that I did receive a letter that was actually addressed to Mr. Patterson on behalf of Irene and Jozsef Nemeth who own the property, 251 French Street. The letter was from an attorney, Mr. Araujo, indicating that his clients may have an easement in the area of the brook. I have asked him for some documentation concerning that and I have indicated to him that if, in fact, he has an easement in that area, we would be glad to verify it and also to delineate it. And I'm putting on the record, too, that obviously whatever construction we make on our property will not in any way affect that easement. And I had this conversation with him last Friday. I don't know if he is calling in this evening or not, but I told him I would put it on the record so that we could address that comment. It was in, like I said, a letter directed through Glenn Patterson, dated September 10th, 2020.

Mr. Cox: Thank you.

Mr. Lanfrit: Mr. Young, can you indicate to the Board the topography of this lot and its relationship with the lots surrounding us. What is the - what is the elevation of this lot as opposed to lots going further up French Street towards Somerset Street?

Mr. Young: Okay. Yes, the site, the brook area, the top of bank of that, the flood area is around elevation 50. That's the flood area. So, the site - the site elevation is around elevation 49 to 50. And our - so basically the whole site - the whole site is above that which is around 51, which is one of the requirements of the DEP, make sure that the site is one foot above the storm flood area. Now as you go to the south of this site, going to Somerset, the elevation is rising up to around approximately 65, or around 10 to 15 feet above the site. But it's going up approaching Somerset Street.

Mr. Lanfrit: And do you know approximately the corner or the intersection of Somerset Street and I Route 27 is the Magyar Bank site?

Mr. Young: Yes.

Mr. Lanfrit: Are you familiar with that?

Mr. Young: Yes.

Mr. Lanfrit: Do you know what the approximate elevation of that site is?

Mr. Young: The Magyar Bank is approximately elevation 70.

Mr. Lanfrit: Okay. And so, it's 20 feet above our site?

Mr. Young: Right.

Mr. Lanfrit: Now in conjunction with this application we have received certain reports. On report from D&R engineering, dated Thursday, September 24th, 2020. Have you had a chance to review that report?

Mr. Young: Yes.

Mr. Lanfrit: Okay. And in all my years in presenting applications to the City of New Brunswick I believe we have already complied with everything requested therein. And if there is anything else that Mr. Carley needs, we will comply. But it looks like, other than providing other approvals, all of our plans have addressed all of his comments; is that correct?

Mr. Young: That's correct, yes. Yes, and NJDOT is where - they say that - they saying that NJDOT needs to approve the site.

Mr. Lanfrit: Okay. And you submitted to NJDOT for the site access; is that correct?

Mr. Young: Yes. Yes. And we received the letter of approval, intent of approval.

Mr. Lanfrit: Okay. And that also has been submitted to the City of New Brunswick?

Mr. Young: No.

Mr. Lanfrit: That has not?

Mr. Young: No, not yet.

Mr. Lanfrit: Okay. But we will submit -

Mr. Young: [inaudible] this year.

Mr. Lanfrit: Okay. And with respect to any comments in Mr. Bignell's report, from Mr. Bletcher, concerning the site plan, we do have some violations concerning the plantings; do we not?

Mr. Young: Yeah, one of - one of the - one of the tree was in the back, and we removed one of the trees, yeah. There is at the edge. Yes, we will

Mr. Lanfrit: We'll comply, all right. And at this time the site has no landscaping of any kind; is that correct?

Mr. Young: Yes, there is no landscaping within the previously developed area. There is no landscaping, no trees. And we are not proposing. Yes, we are not proposing to provide - we are proposing to provide 30 trees. 30 trees and 148 shrubs.

Mr. Lanfrit: Okay. And there is actually an area in the back of the property where it's a generally green area that can be used by the residents?

Mr. Young: Yes, there is, yeah. We are decreasing the impervious, the existing impervious coverage by around 0.13 acres, or approximately 15 percent of the site. So, we are increasing the one area that we don't have before.

Mr. Lanfrit: Okay. And let me see if there's any other comments in Mr. Bletcher's report that we need to address. Parking. We talked about the setback. The foundation plantings. There was a comment concerning the buffer area around the refuse containers. Was that still a condition that we have? Is there any buffer around the refuse comply with that? Container?

Mr. Young: What number?

Mr. Lanfrit: That would be Number G, 7-G on the report?

Mr. Young: 7-G?

Mr. Dominguez: Let's see if Mr. Bletcher is on. Mr. Bletcher, are you on the call?

Todd Bletcher (Board Planner): Yes, I am.

Mr. Dominguez: Do you want to engage here?

Mr. Bletcher: Certainly. Item 7-G on that report just notes that there's a [inaudible] refuse enclosure just needs a buffer and screening. There is screening provided but where it's located there's - there's no buffer to the west. So, we just noted that as a variance condition, that's all.

Mr. Cox: Okay.

Mr. Bletcher: Nothing further from that.

Mr. Lanfrit: And for the record, Mr. Young, there is no area to provide the additional buffer or screening other than this container itself; is that I correct?

Mr. Young: That's correct, yes.

Mr. Lanfrit: Okay, thank you. I have no further questions of Mr. Young.

Mr. Cox: Any member of the Board have any questions or comments for Mr. Young? I'll ask one more time, any member of the Board have any questions or comments for Mr. Young? All right. Seeing none, Mr. Lanfrit, you can go on to your next witness.

Mr. Lanfrit: Okay. I don't know if it's Mr. Dean or Ms. Dolan that is going to come on to present the traffic testimony. I know they were both in other towns, but one of them should be available.

Mr. Dominguez: Mr. Dean is here and on the line.

Mr. Lanfrit: Are you just on the telephone or are you on –

Gary Dean, PE (Applicant's Traffic Engineer): No, I'm on the screen.

Mr. Lanfrit: Okay.

Mr. Dean: You should see me.

Mr. Lanfrit: You grew a beard I since the last time I saw you, so I didn't recognize you.

Mr. Dean: And I lost a lot of hair.

Mr. Lanfrit: Could we have the hairless Mr. Dean sworn in, please.

Gary Dean, PE, sworn

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

Mr. Dean: I'm a consulting civil engineer that specializes in traffic engineering, representing a variety of private developers as well as a number of municipalities throughout the state. I'm a licensed engineer. My license is in good standing. And I have been qualified as an expert in traffic engineering before roughly 350 to 400 different boards throughout the State.

Mr. Lanfrit: I would offer the testimony of Mr. Dean as a traffic consultant.

Mr. Cox: We'll accept him as an expert in traffic consulting.

Mr. Dean: Thank you, Mr. Chairman.

Mr. Lanfrit: And your office prepared a report in conjunction with this application, dated September 9th, 2020?

Mr. Dean: That's correct.

Mr. Lanfrit: And in preparing the report did either you or Ms. Dolan have any conversations with Mr. Garcia concerning the parking at some of his other facilities?

Mr. Dean: Yes, we did. And, in fact, we indicated some of that experience in our report just by way of background to provide some empirical data as to why we believe there's sufficient parking.

Mr. Lanfrit: Okay. And we are asking for a parking variance of a hundred - of actually 65 spaces, 115 are required and we're providing 50; is that correct?

Mr. Dean: Correct.

Mr. Lanfrit: Can we start with some testimony concerning the justification for that parking 1 variance?

Mr. Dean: Certainly. Part of our review also entails evaluating traffic and usually traffic is a concern to most communities. However, its - its generation is directly linked to the amount of parking a given site provides. So, in this particular case, given the applicant's experience with other buildings in the city we, to a degree, relied on that information to help guide our evaluation. And interestingly enough, by providing less parking it does help minimize the overall traffic impact. What we have seen in other communities particularly more, I would say well-developed communities that have very good access to mass transit is that many future residents specifically choose this type of building product when they sign a lease knowing fully well when they sign the lease that there is only one parking space per unit. And if that doesn't work for certain tenants because they have more vehicles, then they don't lease in this building. But what we find is that, given the availability of bus service and obviously the train service, is that a certain segment of the population I simply doesn't need parking. And with the emergence of ride-sharing services, such as Uber and Lyft, and obviously, as costs for owning vehicles and insuring them have escalated, we're seeing throughout the state many instances where these buildings can be certified as low a parking ratio as even 0.5 or 0.6 spaces per unit, which for this project would mean somewhere around 25 or 30 spaces. And the applicant has elected to provide a ratio of one space per unit, so that each resident, each unit has available parking. The retail parking has not been provided. It is intended to serve not only the residents but the abutting community. And, again, in more densely developed neighborhoods that is the standard, particularly where we do have on-street parking along French Street that is available. So, in one way, to better manage certainly traffic in a community, and that is to intentionally cap or limit parking. So, it does become, I'll say, metered and controlled by the applicant and the landlord simply by the lease agreement. And as I said, if somebody wants more parking, they can elect to either rent elsewhere off-site or simply, as I said, this building isn't for them. So, to an extent I have to defer to the applicant. And as we've looked at six different sites in the immediate area, they have substantially less parking than the ordinance requires, and it's coming in at a ratio of about half a space per unit. So, we're at least consistent with some of those other successful projects in the immediate area. So, I think the benefits of providing less parking certainly outweigh the detriments. And it is a controlled situation. It's not something that will spill over onto neighboring residential streets or basically congest the site. It is regulated by landlord and by lease agreements. My only recommendation in this, just to bring some sort of order, and I would leave it to the Board's discretion, I do think it is helpful for the tenants to know that they have an assigned parking space. And I'll defer to Mr. Garcia, whether that's his practice. This is a little larger than the other buildings. But I think it does ensure that the tenant has the certainty of finding his or her space, you know, vacant unless, you know, they're in it. And I think that is another way to effectively control that I circumstance. Mr. Lanfrit, that's all I have in the way of direct, unless there's more specific or elaboration you think of.

Mr. Lanfrit: A couple other questions though, briefly. You did provide to the Board and just briefly review the trip generations that would be generated as a result of the approval of this development?

Mr. Dean: We did. One of the benefits of this application - aside from, I'll say cleaning it up, and I think the rendering speaks for itself, it's a very attractive-looking building - is we're closing up three driveways along French Street, and the applicant has received approval from the New Jersey Department of Transportation, because French Street in this section is under DOT jurisdiction and we have received that permit. And the closing of numerous other driveways certainly enhances not only vehicular safety but pedestrian. So, by having just one driveway it certainly is more than enough to control the traffic on the site. The one thing our study didn't do is attempt to compare this proposal with the Corona Bar and Night Club on the site. It's difficult to speculate what the impacts of that might be. Certainly, they don't generate traffic in the morning, I'll concede that, but as we get into the afternoon hours, I would think that the net traffic distance between the uses would be generally similar.

Mr. Lanfrit: Okay. And one other question. Did you review the site plan itself for on-site circulation for the parking and does it meet general applicable standards?

Mr. Dean: In my opinion it does. At the end of parking aisles, where we would call those dead-end spaces, that there is a turnaround key. There is a dedicated loading spot which can accommodate obviously any retail deliveries, but certainly ride sharing services so that they don't have to occur on French Street. And from my recollection, I have the plan here, but all the spaces conform with the appropriate 9-by-18 standards and provide safe and efficient circulation throughout the site, as does the driveway.

Mr. Lanfrit: Thank you, Mr. Dean. I don't have any other questions of this witness, Mr. Chairman.

Mr. Cox: Any member of the Board have any questions or comments for this witness? Seeing none [inaudible] What was that? All right. I'll ask one more time, any member of the Board have any questions or comments for this witness? Seeing none, Mr. Lanfrit, do you have any other witnesses?

Mr. Lanfrit: I've got one more.

Mr. Cox: Okay.

Mr. Lanfrit: We'll bring back Mr. O'Brien for a second appearance this evening.

Mr. Dominguez: Mr. Aithal, is he still sworn in?

Mr. Aithal: He is still sworn in.

Mr. Cox: For this application, Aravind, or do we need to swear him in for this one?

Mr. Aithal: He's sworn in for the testimony he provides today. He continues to be sworn in.

Mr. Cox: Okay. Just so the record is clear.

Mr. O'Brien: Mr. Lanfrit, sorry to interrupt. Usually during a hearing I sit next to our distinguished attorney and if something comes up I can lean over and say whatever needs to be said. I do have a question about the last - about some of the testimony that has gone on. Mr. Lanfrit, may I call you? And Board, may I have your indulgence for a moment or so?

Mr. Cox: Sure. No problem.

Mr. O'Brien: My apologies. Thank you.

Mr. Lanfrit: Can we take a five-minute break then and we'll get back?

Mr. Cox: Yes. We'll go to a five-minute break.

Mr. Lanfrit: Thank you.

A recess is taken at 8:40 p.m.; record resumes at 8:47 p.m.

Mr. Dominguez: Are we proceeding with Mr. O'Brien being sworn in?

Mr. Lanfrit: Yes, he is.

Mr. Dominguez: Okay.

Mr. Lanfrit: And he didn't lose his credentials or his license in the last hour. Correct, Mr. O'Brien?

Mr. Dominguez: How about in the last five minutes?

Mr. O'Brien: That's correct. And thank you for the Board's indulgence, Chairman. My apologies for that time delay.

Mr. Cox: Okay. No problem.

Mr. Dominguez: Floor is yours, Mr. O'Brien.

Mr. Lanfrit: Mr. O'Brien, can you indicate to the Board from a planning perspective why we're here this evening?

Mr. O'Brien: Yes. The application is for a conforming use in the zone so we are here for a Use Variance for height, or a "d(6)" height variance. We also require a parking variance for a number of parking stalls. And other bulk requirements including a front yard setback for a parking space and a buffer. The applicant is seeking to construct a 150-unit apartment building, along with 3,888 - excuse me, 3,883 square feet of retail space.

Mr. Lanfrit: And just so the record is clear on the height variance that we are seeking, the zone requirement is 40 feet. The proposed building is 65 feet to the parapet and 73 feet to the top of the elevator; is that correct?

Mr. O'Brien: That's correct. However, the variance is only for the 65 feet to the parapet. The ordinance allows a carve-out for elevators, cupolas, things such as that. And I have a citation I will give in a few moments in my testimony.

Mr. Lanfrit: Okay. Are there any unique aspects to this application, Mr. O'Brien?

Mr. O'Brien: There are. As you heard from Mr. Garcia, currently the Corona restaurant and nightclub building is on the site. Many, many years ago, before COVID hit, the nightclub would accommodate up to 400 people and there are 25 parking spaces on-site. As you've heard, the nightclub may be relocated but it is certainly not returning here. The nightclub and restaurant is a very intensive use of this site. And because there was so little parking, I imagine that most patrons were parking elsewhere in the surrounding residential neighborhoods and I would imagine that this is likely not a use that was welcomed by the residents across French Street to the south. The application tonight is for a 50-unit apartment building. There will be five 1-bedroom apartments and 25 2-bedroom apartments. Let me repeat, that's five one-bedroom and 25 two-bedrooms. The one-bedroom apartments will be ADA accessible. The two-bedroom apartments will be plus or minus 1,000 square feet, as you heard from Mr. Johnson. And they will be rather unique. 1,000 square feet or so is a high number, rather generous, given apartment sizes today. The 3,883 square feet of retail will be oriented to the residents of this area. It's a rather dense neighborhood. It will not be based upon vehicular traffic. And stores such as a laundromat, mini-mart, deli, are all being considered pending the outcome of this application. The application conforms to the ordinance in the setbacks, front, side and rear. It conforms to the building

coverage, lot coverage, density and floor-area ratio standards. So, it meets all of the standards that apply to how to situate a building on a lot. And the applicant is proposing reduced impervious cover compared to what is there now. One thing it does not meet is the height requirement. As Mr. Lanfrit just pointed out, proposed is 65 feet where 40 feet are allowed. The building is at a low spot in the neighborhood, as you heard Mr. Young discuss a little while ago. It's near the brook. The top of the proposed building will be at 115 feet above sea level. Not 115 feet from ground level, but from sea level. And I'm using that number because that's a universal to compare the other buildings in this area. The Magyar Bank building is 112 feet above sea level at its top. Magyar will be three feet below the proposed apartment building. The intersection of Somerset and French is 25 feet higher than 253 French Street. Since the tops of the building are fairly the same, the new building is not going to stick out in this neighborhood. There's also a significant height difference to the other residential buildings on Somerset, some of which are over 100 feet above sea level. The four-story apartment building behind the site on Somerset Street, along with several three-story residences, will block the view of this building from Somerset Street. The bend on French Street in front of the site will screen the proposed building from view if you were going southbound on French. Northbound the Magyar building will screen the proposed building from view. As you've heard, stormwater management measures are proposed and there are none currently on-site. The new building will meet all current codes for safety and fire protection and will have many of the sustainable features that are now required by code. There are no trees on-site, as you've heard, and trees will be placed on this site. 50 parking spaces are proposed, one per residential apartment. You've heard from the applicant that compared to his other buildings on French Street most of them get about a half a parking space per unit. The owner has six other properties and three of those buildings have zero parking spaces. Three of the buildings that have 21, 23, and 24 units each have 10 off-street spaces. The applicants state that they do not need parking at these locations and renters do not expect it. And, as Mr. Dean pointed out, when one is presented with that in their lease or when being shown a property, this is going to appeal to certain types of people. It's not going to appeal to somebody who has two or more cars, but rather somebody who is walking, taking mass transit or is limited to one vehicle. This is a dense part of the city that is walkable. Goods and services are available locally. There is a bus stop in front of the building on French Street. The train station is one mile away and accessible by mass transit. And tenants of this building will know that they're only going to get that one parking space, and guide themselves accordingly. I do want to point out that the applicant attempted to buy the property to the east but was unsuccessful, where more parking could have been provided.

Mr. Lanfrit: Mr. O'Brien, can you indicate to the Board if the Master Plan of the City of New Brunswick gives the Board any guidance regarding this application?

Mr. O'Brien: Yes. Among the goals of the 2012 reexamination, on Page 13 it states: Provision of unique, attractive and high-quality residential areas that attract new residents with a wide range of housing and lifestyle choices. Goal Number 3 states: Increased residential land uses through in-fill and housing densities and types appropriate to the character of existing neighborhoods. I believe that this application meets those goals by providing a building that does meet all of the bulk requirements of the zone. And I also want to point out that on Page 58 of the specific changes in the Master Plan Re-Examination, in Part D does state: New Brunswick should create mixed-use residential neighborhoods that provide convenient, functional and attractive housing at a variety of price points. And also offer access to convenient retail in proximity to transportation to the Central Business District, as well as employment centers and transportation hubs, such as the train station and bus stops. I believe this application does support these goals by providing a convenient functional and attractive mixed-use building in a location near schools, employment, transit and services.

Mr. Lanfrit: Does the zoning ordinance give the Board any guidance?

Mr. O'Brien: Yes. Section 1704.040, where the C-2A, Community Commercial District, is located as an intent of that district listed, and it states: The intent and purpose of this district is to provide for the expansion and preserve the integrity of community-oriented commercial uses, and the mixed multi-family residential uses where appropriate. Commercial uses should offer convenience goods, as well as household goods, and both personal and local small business services, whereas the mixed multi-family residential uses should consist of apartments over the commercial uses. And this provides -- and this meets those goals by providing needed housing in a mixed-use environment that will provide pedestrian-oriented local retail.

Mr. Lanfrit: And is the current use of this site as a bar consistent with those provisions of the ordinance?

Mr. O'Brien: No.

Mr. Lanfrit: Okay.

Mr. O'Brien: I happened to be a customer of the bar, but not these days. But, no.

Mr. Lanfrit: Okay.

Mr. O'Brien: And it certainly has an impact upon the surrounding residential.

Mr. Lanfrit: Okay. Does the Municipal Land Use Law give, again, the Board some guidance in making their determination this evening?

Mr. O'Brien: Yes. There are several passages in the Municipal Land Use Law, which is New Jersey statute 40:55D-2 where the purposes of zoning are listed: Item A, to encourage municipal action to guide the appropriate use or development of all lands in this state, in a manner which will promote the public health, safety, morals and general welfare; B, to secure safety from fire, flood, and other natural and manmade disasters; G, to provide sufficient space in appropriate locations for a variety of residential and commercial uses; And I, promote a desirable visual environment. And I believe this application is consistent with those passages by providing for a conforming modern mixed-use residential building in an area that is particularly suited for.

Mr. Lanfrit: Will the granting of this variance have any impact on either the zone scheme or zone plan or the Master Plan?

Mr. O'Brien: I cannot identify any negative impacts. The use is compatible with and actually more conforming than most properties in the surrounding neighborhood. I believe this application will be a positive for the neighborhood by replacing a nuisance with a visually appealing mixed-use residential building.

Mr. Lanfrit: And have you reached a conclusion with respect to this application and the variances that are being sought, both the "D" variance and the bulk variances?

Mr. O'Brien: Yes. The Board is very familiar with the criteria for reviewing a typical Use Variance for a non-conforming use. In fact, we just did that in the prior application. We have to show that there are special reasons. We can reconcile it with the Master Plan and zoning ordinance. And that the application have no negative impact upon the neighborhood and surrounding properties.

That is for a "d(1)" use variance for a non-conforming use. And I would submit that this application does meet those tests if that relief were needed, but it's not. Instead we need relief for a "d(6)" height use variance. And the reference book that your professionals use are called the Cox book, or New Jersey Zoning, has this passage concerning how to deal with a height variance. On Page 754 it states: Note, however, that although variances for height are subject to the weighing analysis of other D variances, when a zoning board considers an application for height variance they are tested against a more relaxed standard that requires applicants to demonstrate that the site will accommodate problems associated with the proposed use with greater height than permitted. The ordinance here is focusing on providing light and air. It did not contemplate the change in elevation in this area, which makes the proposed top of the building the same as the commercial building to the south, and very close in top elevation compared to existing nearby residential buildings. The proposed building is going to meet all setback, all coverage, all use requirements. And it is clear that the site can accommodate the height variance. The new building will be in character with the rest of the neighborhood. It will be screened from view so that the top of the building is not going to be readily observable from anywhere in the area. And I believe that the bulk variances can be granted under a c(2) argument which means that the benefits outweigh the detriments. And those are the bulk variances identified before; the parking existing on the property line and the - the parking setback and the buffer. [inaudible] I believe that the benefits of granting those variances will substantially outweigh any identifiable detriments and result in a modern, mixed-use building in a dense, walkable neighborhood. Lastly, the applicant has met the negative criteria and shown that there are no benefits - excuse me, no detriments, and that the benefits of granting this application outweigh the detriments. This application will provide needed housing, removes an eyesore, provides a home, a residence, a mixed-use building that is compatible with this neighborhood, and I can conclude that this application can be granted without substantial detriment to the public good, or without substantial impairment to the zone plan and zoning ordinance.

Mr. Lanfrit: Finally, although you touched on it in your testimony, can you draw a conclusion and give an opinion as to the parking variance?

Mr. O'Brien: Yes, I believe that this is de minimis. There are many - there are many buildings in this area that have parking close to or next to the property line and I just -

Mr. Lanfrit: I'm talking about the number of parking space as testified by Mr. Dean.

Mr. O'Brien: Thank you. Yes, [inaudible] in the setback I don't see that as a problem. It's de minimis. And it conforms to other buildings in the area. As for the 50 parking spaces for the 50 units and the associated retail, the applicant has shown, through Mr. Dean's testimony, that the other buildings he has in close proximity to this require substantially less parking than what is required, and substantially less parking than what the applicant is providing here. And, in fact, he's providing ten spaces in buildings with 21, 23 and 24 residential units. We are providing the 50 spaces for 50 [inaudible]

Mr. Lanfrit: Is somebody - continue, Mr. O'Brien. There was some interference.

Mr. Dominguez: I muted it. I muted the person. It's sorted out. Please continue.

Mr. O'Brien: I thought there was a question, sorry. So, back to the 50 spaces for the 50 units, that is extremely generous given the density of this neighborhood, given the local mass transit that is available, the walkability of this neighborhood. It does give certainty to people who are leasing here that they will have one parking space. And if they need more, they're not going to go here. So,

I believe that the 50 spaces that are provided meet the intent of the ordinance and that a variance can be granted.

Mr. Lanfrit: Thank you, Mr. O'Brien. I have no further questions.

Mr. O'Brien: Thank you.

Mr. Cox: Any member of the Board or staff have any questions for Mr. O'Brien?

Mr. Bletcher: Yes, Mr. Chairman. This is Todd Bletcher. Can you hear me?

Mr. Cox: Yeah, Todd. Please go ahead.

Mr. Bletcher: Sure. I just wanted to offer the Board a few comments based on hearing all of the testimony that has been offered today. I know that you have my report in your packet. You should've received that quite a little while ago. I really don't take any issue with anything that Mr. O'Brien, the planner, had said, relative to the removal of the restaurant/nightclub in that Community Commercial Zone. In fact, I would agree with him that I think you are getting quite an improvement there by pulling that restaurant out of there and making what he called a quieter, more residential type of use. My concern from a planning perspective, and I put this into the report and it's been in the report for several months, is that we have the C-2A zone, Community Commercial Zone. That has a very specific building height. And that building height is a maximum of 40 feet. And the building that is proposed is 65 feet high to the top of the roof. And, you know, my concern from a planning perspective is that that building height, the number of stories, is really more consistent with something you see a six-story building in a downtown commercial-type zone. Not so much in the community commercials where we have - there's nothing wrong with having a mixed-use; a lower floor retail, upper floor apartment type of use in there. And nothing wrong with having an apartment building in that zone. But again, my concern from a planning perspective really comes down to that building height, 65 feet high is - I consider that a very significant variance. And I just want to make sure the Board is aware of that and the Board is comfortable with that, that height. And if there's any, you know, further testimony or clarification that you want to ask the planner for, please do that. I would also add that I think what's happening here is that the building height is really driving up that parking number. If we had, say, a four-story or a five-story building with the same footprint, same number of -- a layout of units, you would get, I don't know, 20 or so less, less parking spaces. Right now, the requirement is 115 and what's being provided is 50. So the one thing I would ask the applicant, and I hope it's not too forward, but I would just, maybe the applicant can just clarify this, why not propose a four-story or even a five-story building with the same footprint and not go 65 feet high?

Mr. Cox: Thank you, Todd.

Mr. Lanfrit: I don't know if Mr. O'Brien wants to comment? I would gladly like to comment after Mr. O'Brien, if he doesn't cover any - any of those points. Mr. O'Brien, would you like to comment on Mr. Bletcher's statement?

Mr. O'Brien: Yes, thank you. This is a unique property. If this property were on any other level block next to a 40-foot high building it would stick out. It would be 65 feet over a 40-foot allowed building. That would certainly not be in conformance with the character of the neighborhood. But we have a unique - we have a very unique situation here. And that is that this property has elevation differences with the properties nearby and the streets nearby, which is why in discussing height I went to what is the average height above sea level so that you could see where the tops of the

buildings are. So, in looking at this building, this building is going to be very similar in height to the nearby buildings because of the change in elevation. As I said, I would agree with Mr. Bletcher if this was all flat and if you had a very - if you had a flat piece of land next to the Magyar building, and 65 feet next to the 40 feet would be really out of place. And you would have to justify that with whatever arguments would be required at that time. But what we're talking about tonight is a place with an elevation difference of 20 feet between the base of the proposed building and the 1 elevation at the corner of French and Somerset and the Magyar building. Plus, you have a four-story apartment building behind this proposed development on Somerset, along with three-story high buildings that are residential. So, I think what you have to concentrate on, as Board members, is impact. What is the impact of this building? Yeah, it violates one of the ordinances. And as we know ordinances are one-size-fit-all. They do not take into consideration the unique characteristics of an area or a lot. And that's why you're here, the zoning board of adjustment, because you listen to those unique circumstances and make a decision about what is different about this. So I think that in this case the intent of providing light and air to this lot, to this area which is what you were required to do under the ordinance, is still served by having a taller building that does not have a significant visual impact on the surrounding area because it is shielded from Somerset, it's shielded from French southbound, it's shielded from French northbound. It's roughly within a couple of feet of height from 1 the Magyar building. So, from a distance they're going to look like they're the same. I think that going to impact is where the argument should be made on this and not as if this was a level piece of ground next to the Magyar building, which case I agree that that would have to meet a whole different set of standards.

Mr. Lanfrit: And if I may add, very briefly, as Todd talked about the parking, I think the testimony has been pretty clear that given its location, there is sufficient parking for this building with the 50 units. Sure, if we lowered, we took a story off the building, at ten less units there would be less of a need for - we would have a lesser parking variance, but I think we justified the parking variance that we are seeking both from the testimony of Mr. Dean, Mr. Garcia, from his other buildings, and from Mr. O'Brien. So while, again, it's a relevant issue and one that the Board must consider, I think we have identified that issue, we've dealt with it, and I think we've justified the parking variance.

Mr. Bletcher: Mr. Cox, if I could just add a comment on it, if you could hear me?

Mr. Cox: Yes, Todd. Please go ahead.

Mr. Bletcher: This is Todd Bletcher. Sure. So, look, I mean I think the parking is also a concern for me from a planning perspective. And I think it was the testimony of Mr. Dean it might have been, and maybe there was a discussion that perhaps with 50 units and 50 spaces, maybe the spaces could be assigned just for those residential tenants. My concern with that is that we're not really accounting for parking spaces for the retail space, if that space has any employees, or if that space has any customers that might drive. And I heard it might be a convenience store, a bodega-type store. I think I might have heard that there might be a laundromat in the testimony, if I'm not mistaken. My concern is that we're not providing, you know, parking for employees of that space, service vehicles that might come to that space, customers that might come to that space. So overall they're just, you know, concerns that I think the zoning board rather - you know, I just want you to be aware of those. And if you want to have a discussion or deliberation about some of those issues, I think that's a good idea. The one thing I just wanted to clear up, and I know that there's been some mention of it, was FAR. There's no FAR violation. FAR complies. So not an issue with the FAR. Just my concern again is the building height and the parking. That's all I have.

Mr. Cox: Thank you, Todd. Mr. Lanfrit, with all the talk of, you know, what type of space may go there, this or that, would you be - would you allow a condition to be that there be no bar or restaurant placed on that site?

Mr. Lanfrit: My client has no desire to bring back a bar or restaurant on that property. And we would be happy with that condition.

Mr. Cox: All right, thank you.

Mr. Lanfrit: Any other member of the Board have any questions or comments for Mr. O'Brien?

Ms. Coppola: Hi. It's Nancy.

Mr. Cox: Go ahead.

Ms. Coppola: So, I have to agree with Todd and what he said. I was concerned about the height of the building. And I was also concerned about parking, if there's going to be commercial use there. Because even though you're going to - you could assign spots to the residents, if people are coming, if there is going to be a laundromat there, people usually come in cars to the laundromat because they have to carry their clothing. So, my concern - or even a convenience store. And I think it's important in that area to have something like that, but I think that we also have to take into consideration parking that may go along with that. So, I don't know if the applicant would be willing to possibly not have such a high building? Maybe have less apartments? But that would be a concern that I have as well.

Mr. Lanfrit: If I may respond to that? The suggestion by Mr. Dean of perhaps assigning parking spaces, I think my own personal opinion, and I have done a few of these projects, is that if we assign a parking space to every apartment, there may be people that rent apartments that don't have cars. Then we have a parking space that sits empty.

Ms. Coppola: That's not what I meant, Mr. Lanfrit, I'm sorry. Assign parking spots on a first-come/first-serve basis for people that need them.

Mr. Lanfrit: Well, I don't think that's what he said. But I think what we can do is carve out a few parking areas in front of the retail component that would be reserved for retail customers that are visiting the site, which again would then make some - make a few less parking spaces available to the residents, but again Mr. Garcia would have to deal with them when he rents out these apartments. But I do think that that's a way to handle it, is to have some designated commercial spaces for some customers. The other thing is during the day when I would guess the bulk of the commercial activity may take place, a lot of those spaces in the parking lot would be empty because if people have cars, they're off to work with those cars, and so there would be more parking available during the day.

Mr. Cox: Thank you. Anyone else have any questions or comments from the Board? *(No response)* Seeing none, at this time we're going to open it to the public, and Dan will read a statement.

Mr. Dominguez: Sure, sure. At this time, we are preparing to open the meeting to public comment on this hearing - on this application, for five minutes per person. In order to assure that the Zoning Board of Adjustment can hear from the interested public, and the public can hear public comments, I will organize the speakers in order by last name. In a moment I will unmute the public call-in. At that time, I will ask that those with the last name starting with A to provide me their last name,

first name and home address. I will confirm that the information is correct, and then move on to next person alphabetically, from A to Z. Upon completion of asking for last names from A to Z, I'll ask one more time for anyone who would like 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 once again check to see if anybody would like to comment. After asking three times, I will then close the public comment section. 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 phones so we can all hear each other and then begin the speaker registration process. Okay, so the phones are unmuted. I will ask any member of the public, on the phone or on video, who would like to comment on this specific application with the last name starting with the letter A, please state your full name and home address.

Mr. Dominguez reads through the alphabet once; Charlie Kratovil and Irene Nemeth are placed on the initial list of speakers

Mr. Domínguez: Is there anyone who did not make it onto the initial list of speakers who would like to be added before we get started? Anyone at all? Last call? Seeing none, Mr. Kratovil, you are the first speaker of the night. Let me just swear you in.

Charlie Kratovil, sworn

Mr. Dominguez: Let me just get the timer going. You got it?

Mr. Cox: I got it.

Mr. Dominguez: All right. You have five minutes starting now, Mr. Kratovil.

Charlie Kratovil: Thank you. I have a number of questions. I'll be as quick as possible. First one, I would like to know, if approved for this project, when would construction begin? And when would the project finally open?

Mr. Lanfrit: As soon as we clean up all the conditions of approval, construction would commence. My guess is it's probably going to be the spring.

Mr. Kratovil: About how long do you think it will take?

Mr. Lanfrit: I will have Mr. Garcia answer that. Is Mr. Garcia still around?

Mr. Garcia: Yes, I'm here.

Mr. Lanfrit: The question was how long do you think it would take for you to build the building once you start?

Mr. Garcia: 18 months.

Mr. Lanfrit: Thank you.

Mr. Kratovil: Thank you. Do you have some idea of how much the apartments will go for, what you're asking for the two-bedrooms or the one bedrooms?

Mr. Garcia: It's hard to say right now, but we'll be close to 2,000.

Mr. Kratovil: Okay. And I just wanted to clarify some things I heard. So, six-story building. 50 units. And there would be, by my calculations, 95 bedrooms?

Mr. Garcia: Yes.

Mr. Kratovil: And then only 50 parking spaces when 115 are required and that would be, by my count, 43 and a half percent of the required. And while I definitely, you know, smart developments that are transit-oriented and, you know, encourage people to, you know, not have cars, not bring their cars to New Brunswick. You know, I am concerned about some of the testimony I heard in relation to justifying such a steep variance of, you know, of basically letting you off the hook for almost 60 percent of the parking required. Mr. Garcia mentioned something about a bus station in the immediate vicinity. Can he explain what that is?

Mr. Garcia: That's the New Jersey Transit bus stop right in front of the building.

Mr. Kratovil: Okay. I know it was also referred to as a bus stop by Mr. O'Brien. Big difference between a bus station and a bus stop. I will note that I'm familiar with the area. I'm, you know, a resident for 15 years here in New Brunswick. And I'm involved in the - in that area of town specifically, I don't see any signs of a bus stop there. I'm sure that the buses do stop there but I don't see so much as a bench or a bus shelter. Can somebody clarify for me what the setup is there? Is there any amenities for people to wait for the bus?

Mr. Garcia: I Can't answer that. That's New Jersey Transit way of stopping. They just have a bus stop sign across the street.

Mr. Kratovil: Okay. Well one thing that maybe the applicant could volunteer would be to include a bus shelter at the proposed building. Is that something the applicant would consider, to make it easier for people there to catch the bus and use the bus, and, you know, discourage them from having cars?

Mr. Garcia: If New Jersey DOT allows me to, I will contribute. I'll do it myself. Either or.

Mr. Lanfrit: And just to make it clear, the bus stop is not - it's in front of our property but across the street, so it is not on our property. We would not only have to get approvals from DOT, and also New Jersey Transit, we may have to get approval of a property owner. But to the extent that we could do it, Mr. Garcia indicated he would be willing to explore it, but I don't think we can promise it. If the Board wants us to explore it, we would be happy to explore it.

Mr. Kratovil: Okay. Well, I would encourage the Board to support that and, you know, to have a condition in the resolution that if approved, you know, by the appropriate authorities that you would agree to, you know, build and maintain the bus shelter, as other applicants before this Board have done in the past. So, I hope that that would be included in the conditions, if there is a vote tonight on the resolution. And I guess the other concern I had was regarding on-street parking. Mr. Dean gave testimony stating that one of the other reasons to support the variance would be that there's on-street parking - on French Street. Can you tell me where that is? Because my assessment is that there is - there is no legal place to park on this particular block. What area are you referring to?

Mr. Lanfrit: There is no parking on French Street in front of this property on this property. As you're going further towards New Brunswick there is parking on French Street.

Mr. Kratovil: Right. That so that gets me to my next question. I know Mr. O'Brien mentioned that there were these other buildings that, you know, the applicant has a small number of parking spaces, but as many apartments as 24, you know 21 to 24. Can he tell me the locations of those? Because I think those might be locations where there is on-street parking and if they are significantly closer to, for instance, the New Brunswick train station. Could you tell me the locations of those?

Mr. Lanfrit: I had them all in front of me a moment ago. Mr. Garcia, would you give them?

Mr. Garcia: Yes. 156 French. 150 French. 138 French Street. And 132 French Street.

Mr. Kratovil: Okay. Thank you for that. And I am familiar with several of these buildings and probably attended the hearings for those as well. I do think that they're significantly closer to the New Brunswick train station. I think the site in question tonight is about 15 blocks away from the train station. So while perhaps these buildings may have been able to survive with only ten spaces, they are in the heart of a very dense, walkable community and just, you know, by the addresses here, it looks like maybe four or five or maybe six blocks from the train station. So, while it's nice to have the NJ Transit stop for buses across the street, that only gets you so much. You know, that's only one piece of the puzzle there. And even to get to that bus stop, people would have to, you know, run across Route 27 at a pretty dangerous part to do that type of thing. So I would encourage the applicant to, you know, first of all, listen and take to heart Mr. Bletcher's suggestions about maybe taking off a story or two from the top of the building, but also that if you, you know, if you're moving ahead with any sort of dense development here to make room for and plan for the inclusion of a bus shelter. Even if NJ Transit doesn't end up stopping there, it can still be utilized for people who are waiting for cabs, you know, people who are getting dropped off there, working that in, planning ahead to make, you know, transit a focus of the building, would be something that, I think, would make the arguments for the variance stronger and unfortunately I don't see a lot to support the variance. I see, you know, a bus stop across the street that is really -- just really, you know, no more than a sign or a place where buses stop, but no amenities to encourage that type of transportation. And then on-street parking at least a few blocks away, not in the immediate vicinity. So, while I want to support projects like this, I don't think that the variance has been, you know, sufficiently backed up by, you know, measures that will encourage transit use. And I would like to -- I would like to see that be in the final resolution, if the developer would allow. It sounds like he -- it sounds like he's willing to do that so I would like that to be a part of the resolution. And finally, I just would ask everyone to consider the height of the building, because it is 65 feet high, not counting the elevator shaft or the elevator stuff. So that's a consideration. Because it's next to a three-story building and also next to a building that's like two stories.

Mr. Dominguez: Mr. Kratovil?

Mr. Kratovil: Yes.

Mr. Dominguez: You're, like, well past time. I don't know if you heard Mr. Cox. So, if you could wrap up, not to be --

Mr. Kratovil: I'm sorry. I'm done. Basically that's -- that's the point, it's next to some very low-rise buildings. The Magyar Bank is a little bit down the road. So, I think that, you know, some of the statements made about that should be put in proper context. If you look at the block it's next to

a three-story building and next to like a one-story building, and then on the other side of the creek is like a four-story apartment building, which is really more in line with what the development should be. So, I would encourage them to go to four stories instead of six. That's all I have. Thank you for your time.

Mr. Cox: Thank you, Charlie.

Mr. Dominguez: Next up is Ms. Irene Nemeth. Ms. Nemeth, are you still there?

Irene Nemeth (Owner of 251 French Street): Yes, I am here.

Mr. Dominguez: Okay, your five minutes begin now. You have the floor.

Ms. Nemeth: Yes.

Mr. Dominguez: Go on.

Ms. Nemeth: Yes. Hi, Pete. I hope that you remember me [inaudible].

Mr. Aithal: - sworn in?

Mr. Dominguez: Oh, I apologize. Sorry, sorry. Let's march this back. I have to swear you in, Ms. Nemeth. I apologize.

Irene Nemeth, sworn

Mr. Dominguez: You can start now. I apologize.

Ms. Nemeth: My concern is the easement. Yes, Arnold called me and let me know that the easement is there, but I would like to ask you a few questions. How wide is the easement going to be? And right now, it has a few big trees on the easement which my sewer line goes under. We have to clean the sewer line almost every three months because of those big trees, from the roots. May I ask them to clear that easement from the trees and keep it clean and keep it empty. And could you tell me how wide is the easement going to be?

Mr. Lanfrit: The document that your attorney provided to me indicated that you were granted an easement. It doesn't indicate how wide that easement is or should be. What I would suggest that we do is meet at the site and, you know, locate the easement then we can figure out how wide the easement is to service your needs. Now the other thing that I indicated to your attorney, part of that easement may be within the brook and the brook is regulated. So, there may be some things that we cannot do to remove some trees or we may be able to remove trees. We would have to look into it because it is within a regulated area. The other thing I also indicated is that that brook is not all on my property - Mr. Garcia's property. Some of the brook is on the adjoining property. And what I suggested to him was that when we finish here that our engineer would get together with you and Mr. Garcia and we could figure out exactly what you need to protect your sewer line. And to the extent we can protect it we will. And if there's some trees that need to be cleaned out of there, we would be happy to do that if we legally can do that.

Ms. Nemeth: Yes, and could you tell me how soon we can meet? Because we do have an easement. It's in our deed. But unfortunately, doesn't give any dimension, so we don't know. Our sewer line goes through their properties, about 60 or 70 feet before entering the main sewer in the brook. So,

in case our sewer line going to be - need to replace, the top of the sewer line need to be - left empty in able to need to replace the sewer line?

Mr. Lanfrit: I'm aware of that, Ms. Nemeth. And that's what your attorney and I discussed. And the easement should provide that you have access to repair or replace your sewer line should it be necessary. I think these things are really private issues between Mr. Garcia and yourself. You can, you know, give me a call and we can set up a meeting. I don't think it really is an issue of this Board's as to where the easement is, other than the representation that I made that the easement will be provided, and the design that we have for our project will not impact that easement. But you can give me a call and I can get you Mr. Garcia's number and we can get Mr. Young out there and we can work through all of those things.

Ms. Nemeth: How long are you going to stay in Jersey?

Mr. Lanfrit: I can be reached all the time, Ms. Nemeth.

Ms. Nemeth: I called you this afternoon, but I could reach only your voicemail.

Mr. Lanfrit: Okay. I will be in the office tomorrow so give me a call and I would be happy to talk to you again.

Ms. Nemeth: Okay, thank you. Bye-bye.

Mr. Cox: Thank you.

Mr. Domínguez: All right. If that's all, if there is other members of the public who I would like to speak who did not get on the initial list of speakers, please state your name and we'll just add you on. Anyone else? Last call. Seeing none.

Mr. Cox: Public portion of this meeting is now closed. Any member of the Board have any other questions or they want to have a talk? Comments about this project?

Ms. Coppola: John, it's Nancy.

Mr. Cox: Yes, Nancy.

Ms. Coppola: I mean I already raised the concerns that I had. I think that it's a great project. I think that the building itself looks really, really good. You know, I really don't want to block it from - or vote no on it, but I do have concerns just about the size. You know, I know that all over the city we have different size buildings and I understand that. And maybe it will, you know, they talked about the - the difference in the heights between like where Magyar is and where this building is because it kind of goes uphill, so maybe it won't be as high as it sounds because of that. But you know, that is my only true concern about the whole thing.

Mr. Cox: Thanks, Nancy. Yeah, I think it's a good project, too. And I think that with the other building that is behind it now that was built a few years ago that it offsets the height difference in the neighborhood and will keep it looking conformed and, you know, quite the same and it won't be overbearing on the rest of the housing around there.

Ms. Coppola: That could absolutely be the case.

Mr. Cox: Any other members of the Board have anything? Mr. Lanfrit, do you have a closing argument at all?

Mr. Dominguez: Closing statement?

Mr. Cox: Is he on? Mr. Lanfrit?

Mr. Lanfrit: Yes. Can you hear me?

Mr. Cox: Yes.

Mr. Dominguez: Yes.

Mr. Cox: Closing statement you would like to say?

Mr. Lanfrit: Yeah, and I'll try to be brief. I think our witnesses really described the project in great detail. We spent a lot of time on this project before we got it to the Board. We worked with staff. Mr. Bletcher is absolutely correct, that his one comment and his one concern was the height of the building. And it was in all his reports from day one. I think the testimony of Mr. O'Brien concerning the topography and location of this site really bodes well for the height of the building because of it being in a bowl, so to speak, or being depressed. If you drive in either direction on French Street, you know, if you're coming from the south heading north, you know, once you pass that cemetery, you're going straight downhill. And if you're coming out of New Brunswick going south, you know, you could view as a motorist can see the elevation changes. They're not slight or small. They are significant elevation changes. And I think that does have the ability to have the building blend in with the other buildings in the area. I think that the parking variance was well supported by both the testimony of Mr. Garcia and his other buildings. The testimony of Mr. Dean and Mr. O'Brien. With respect to any mitigation of the 1 parking - of the parking by providing either a bus shelter across the street, we would be happy to work with the city on that, or maybe even putting a shelter or a waiting area for Uber or Lyft on our property may be able to be accomplished. We would be happy to sit down with staff to talk about that because I think some of that does make sense. Although in this day and age, you know, the fact that we are maybe a little bit more removed from his other buildings from the train station, we still do have a bus stop that goes from there to the train station. That is a walkable distance to the train station. And also, the ability, with Uber or Lyft, if somebody needed to get a ride to get to the train station. That's what happens today. People don't buy cars or keep cars if they commute to work by train or other public transportation. I think that the parking that we have provided is adequate for the site. I appreciate the comment that we have worked hard to get an attractive building. And I think because of this location I think the variances are supported and I would respectfully request that the Board give us the variance for the parking and for the height of the building. And the other two bulk variances are, in fact, de minimis in nature but necessary to accomplish the site plan. I thank you for your time and consideration.

Mr. Cox: Thank you. Kate, can you please give us the conditions for approval, if so be?

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

Mr. Cox: All right. Do I have a motion?

Mr. Sumano: This is Christian Sumano. I make a motion to approve.

Mr. Dominguez: Christian, actually we have eight voting members, so you - you can't participate in this vote. So just FYI. We only need seven. So, we have - that's why I was checking if Evelyn was still here. So, I apologize for that, Christian.

Mr. Sumano: No worries.

Ms. Coppola: Hi, it's Nancy. I make a motion to approve.

Motion to Approve

I. Nancy Coppola (Vice Chairperson)

II. Ivan Adorno

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

Mr. Cox: Congratulations.

- C. **NINA AND JASON HOFF / 130 REDMOND STREET / BLOCK 151, LOT 39.01 (ZB-2019-03)**
Preliminary and final site plan application with use and bulk variances to renovate an existing warehouse building for use as a four-unit residential building. Zoning district R-5A Single- and Two-Family Residential. *(Peter U. Lanfrit, Esq.)*

Mr. Dominguez: Aravind, it's almost ten. I don't that we can -

Mr. Aithal: Yes. Mr. Lanfrit, this is Aravind Aithal. The Board are generally that there are to be no applications, no new applications after 10 o'clock. No new witnesses, or new witness testimony, after 10:30. Do you think that you will be able to finish this up prior to 10:30?

Mr. Lanfrit: Absolutely not, Aravind. I have four witnesses and I was ask to reschedule it at the next available meeting, or at a special meeting where I can present all of my testimony at one time. I don't think that it is a good idea to start a hearing at this late hour and then bring the witnesses back at another meeting.

Mr. Dominguez: Mr. Lanfrit at the next Zoning Board meeting we will have one other application, so I think we can carry this to the October, the date is escaping me. What's the October date?

Mr. Cox: It's the 26th.

Mr. Dominguez: Is it the 26th?

Ms. Coppola: It's 26th.

Mr. Cox: It's the 26th.

Mr. Dominguez: If it is okay with you Mr. Lanfrit, we will carry this to the October 26th Zoning Board meeting.

Mr. Lanfrit: If there are members of the public on the call, I would ask that this application be carried without notice, additional notice and publication, and that it would be announced tonight that it would be carried to that date so I wouldn't need to re-notice and advertise.

Mr. Cox: Aravind is that okay?

Mr. Aithal: Mr. Chairman, if I may, since we are now having virtual meetings, this would be the notice to the public that are in attendance today that this matter will be carried to the October 26th meeting without further requirement for notice. Normally we would be able to say that the meeting would take place at 7:00 in council chambers. However, since we are still living in a virtual world, the call information will be available online at the City of New Brunswick's website and no further notice will be required by the applicant. The public is now put on notice that the call information for the next meeting is available online only without further requirement for notice.

Mr. Cox: Thank you.

Mr. Lanfrit: Thank you very much. I will see you next month. And thank you for your time and consideration this evening.

Mr. Cox: Thank you, Mr. Lanfrit.

VII. DISCUSSION ITEMS

None

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None

IX. ADJOURNMENT