RARITAN HEIGHTS PHASE II, L.L.C.
1260 STELTON ROAD
PISCATAWAY, NEW JERSEY, 08854

CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT

ORDER AND RESOLUTION FOR AMENDED SITE PLAN
AND VARIANCE APPLICATION APPROVAL

WHEREAS: Raritan Heights Phase II, LLC, 1260 Stelton Road, Piscataway, NJ 08854, ("Applicant") seeks approval of its Amended Preliminary and Final Site Plan application with variances to add a basement for storage purposes to the previously approved residential building and add additional signage on the site at 19 U.S. Highway 1;

WHEREAS: The applicant requests approval to add a basement for storage purposes and additional signage resulting in a request for approval of its amended preliminary and final site plan and sign variance;

WHEREAS: The Applicant has requested the City of New Brunswick, Zoning Board of Adjustment grant approval of its Preliminary and Final Site Plan and sign variance Application for its site at Lot 17.02, Block 703 of the City of New Brunswick tax map, upon property more commonly known as 19 U.S. Highway 1, New Brunswick, NJ;

WHEREAS: A hearing was held before the Zoning Board of Adjustment on August 28, 207 at which time the applicant was represented by, Thomas F. Kelso, Esquire, and evidence was presented through the testimony of Ronald Aulenbach, Director of Engineering for applicant and Justin Auciello, Licensed Professional Planner;

WHEREAS: Live testimony and certain documents in support of the application, were presented by the applicant and accepted and duly considered by the Board;

WHEREAS: The staff and professionals of the Zoning Board having been duly sworn and providing comments/testimony under oath;

WHEREAS: Members of the public in attendance were given an opportunity to comment and/or provide testimony; and,
WHEREAS: The Zoning Board of Adjustment has made the following findings and determinations:

1. The Board relies on the reports and testimony of its professionals, which it finds to be credible, in considering this application.

2. The Board members rely on their knowledge of the subject site and the surrounding area.

3. The subject property is located in a C-5 zone.

4. The proposed site currently consists of a single lot, upon which there is currently a movie theater and vacant restaurant. Applicant previously received approval for a 6,834 s.f. restaurant, a 1,728 s.f. fast food restaurant and a 254 residential unit, mixed-use development. Applicant seeks to add a basement storage area in the approved residential structure and both façade and pylon signs for the fast food tenant.

5. Applicant requests approval to add a basement for storage purposes and additional signage resulting in a request for approval of its amended preliminary and final site plan and sign variance.


7. The Board finds that the applicant has demonstrated that the proposed amendments to the development of the property and that the sign variance requested can be granted without substantial detriment to the public good.

8. The Board finds that in applying a balancing test, the positive criteria and benefits from permitting the proposed development of the property as requested by applicant outweigh the negative criteria and detriments, which the Board specifically finds would be slight, if any.

9. The Board finds that the application for the requested variance can be granted without substantial detriment to the City’s zone plan, master plan or the public good.
The Board finds that the applicant has made a showing that the proposed amendments to the development and accompanying sign variance can be granted under both the c (1) and the flexible "c (2)" standard of the Municipal Land Use Law.

**THEREFORE BE IT RESOLVED:** That the Applicant is hereby granted Site Plan and Variance Approvals subject to the following conditions:

1. Compliance with the terms of the City Engineering Report dated June 20, 2017 for the above project.

2. Submission to the City Engineer of all necessary easements and/or cross access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.

3. Payment of a site performance bond to the New Brunswick Department of Engineering

4. Submission of a site inspection escrow deposit for engineering inspection fees in an amount to be determined by the City Engineer pursuant to Title 16.14.160.

5. Payment of all water and sewer connection fees to the New Brunswick Water Utility pursuant to Titles 13.04 and 13.08.

6. Issuance of a road opening permit from the City Engineer, if required.

7. Compliance with the terms of the Bignell Consulting Group Report dated August 22, 2017 for the above project.

8. Planning review escrow funded for all anticipated post-approval reviews.

9. Payment of any other fees due to the City of New Brunswick related to development or use of this project.

10. Payment of any outstanding taxes due and water/sewer fees to the City of New Brunswick.
11. Middlesex County Planning Board approval or waiver.

12. Freehold Soil Conservation District approval or waiver.

13. Delaware and Raritan Canal Commission approval or waiver of same.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering memos or plan amendments offered or required at the time of the hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering memos or plan amendments offered or required at the time of the hearing.

16. Applicant shall comply with all conditions of approval in application Z-2014-03.

17. All utilities and other site improvements to be maintained by the applicant at its sole expense.

18. All utilities to be constructed underground.

19. All temporary encroachments into the public right-of-way shall require City Council approval.

20. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.

21. Streets shall be kept clean of sediment and debris. The applicant shall cause the streets to be cleaned, and, if directed by the Director of Public Streets, shall cause the streets to be cleaned as so directed. Tracking pads shall be installed at all construction exits.

22. Replacement of damaged streets, curbs and sidewalks as per the direction of the City Engineer.
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PISCATAWAY, NEW JERSEY, 08854

Application No. Z-2017-07

BE IT FURTHER RESOLVED THAT: Copies of this Resolution be forwarded to the Tax Assessor, City Engineer, the Board's Engineer, City Building Inspector and the Applicant.

The above is a memorialization of a motion to approve the application which was made by Mr. Cox and was duly seconded by Mr. Zimmerman and passed on August 28, 2017 on the following vote:

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Application No. Z-2017-07  

The undersigned, Secretary of the City of New Brunswick Zoning Board of Adjustment, hereby certifies that the above is a true copy of a Resolution memorialization by said Board on the 25th day of September, 2017 on the following vote:

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Glenn Patterson, Secretary  
New Brunswick Zoning Board of Adjustment