

**CITY OF NEW BRUNSWICK
PLANNING BOARD
APRIL 13TH, 2011
AGENDA
7:30 p.m.**

I. ROLL CALL

Michael Drulis
Betsy Garlatti
Maria Torrisi
Linda Hunter
David Fitzhenry
Robert Colonna
Suzanne Ludwig
Luis Berrios

Board Staff:

Glenn S. Patterson, Bd Secretary
Ben Bucca, Esq, Bd Counsel
Tom Guldin, Bd Engineer
Todd Bletcher, Bd Planner
Mark Siegle, Principal Planner City of NB

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S OCTOBER 12TH, 2010 MEETING

**Motion to approve made by Ms. Hunter, seconded by Ms. Ludwig
All in Favor, None Opposed.**

V. MINUTES OF THE BOARD'S JANUARY 11TH, 2011 MEETING

**Motion to approve made by Ms. Garlatti, seconded by Mr. Fitzhenry
All in Favor, None Opposed.**

VI. COMMUNICATIONS AND REPORTS

Resolutions of Memorialization

A. None

VII. NEW BUSINESS

- A. 132 FRENCH STREET, LLC PB-2011-04**, Amended site plan and variance application for the construction of an elevated platform and outdoor mechanical equipment located at 132 French Street, Block 164, Lot 18.01, Zoning District: C-2A

The applicant was represented by James F. Clarkin, Esquire, of the firm Clarkin & Vignuolo. Mr. Clarkin stated that this was a mixed use building previously approved but there were field changes that required site plan amendments with variances. The proposed plan is for chillers installed on a pad in the rear of the building with an elevated deck containing HVAC units attached to the building. He stated that the variance required is for setbacks of mechanical equipment since the chiller pad is at a zero foot setback on the side lot line and a three foot setback on the rear lot line where a 10 feet setback is required for both.

Arnold Garcia, applicant, was sworn in. Mr. Garcia stated that he existing building has a certificate of occupancy and is occupied. The tenant of the grocery store installed the chiller without his permission and now Mr. Garcia is seeking to rectify the situation. Mr. Garcia stated that the HVAC was originally to be located on the sidewalk, but it was relocated to eliminate an obstruction.

Mr. Garcia introduced photos A-1 through A-5, which showed existing conditions of the property. He stated that the chiller was installed in the trash compound and that the trash is stored inside now as there is daily pickup.

Mr. Drulis questioned how Mr. Garcia would know if the trashcans were put out daily, but did not know about the chiller being installed in the rear of the building.

Mr. Garcia stated that he had received no garbage tickets. Exhibit A-6 (site plan) was introduced to give the Board a further familiarity of the layout of the site.

Mr. Guldin introduced exhibit C-1, which were photos of the right alleyway taken on March 7th by City Staff. The picture showed a trashed filled alleyway. The Board questioned how people could access the rear yard if trash blocked passageways.

Mr. Garcia stated that there is a rear exit from the residential units to the rear yard so that the tenants do not have to use the alleyway.

The original plan had trash enclosure attached to rear left side of the building (plan submitted for compliance review).

Board discussed the confusion of the plan and the chronology of the construction-taking place on the site.

Mr. Clarkin suggested that the application be adjourned so the applicant can address issues.

Public Comment:

None

Ms. Garlatti made a motion to adjourn the application to the May 10th, 2011 meeting. The motion was second by Ms. Ludwig. All in favor, no opposed.

Notice was given at the meeting and no notice or republication shall be required.

B. CITY OF NEW BRUNSWICK LAND DEVELOPMENT ORDINANCE AMENDMENT, ORDINANCE-0411, NJSA 40:55D-26 requires the referral to and review of development regulations by the Planning Board prior to adoption. Planning Board shall review the amendment of the number of Zoning Board Members.

Mr. Glenn Patterson was sworn in. Mr. Patterson stated that the Municipal Land Use Law was revised in order to allow Zoning Board of Adjustments to have four (4) alternate members instead of the prior maximum of two (2) alternate members. He stated that this helps Zoning Boards achieve quorum due to the fact that Zoning Boards hear applications that “D” variances which require 5 affirmative votes and most attorneys will not proceed with the application without a full complement of 7 voting board members. He stated that the statute requires the Planning Board to review the ordinance change for master plan consistency.

Mr. Drulis made a motion for approval, seconded by Mr. Fitzhenry.

Drulis Y Garlatti Y
Torrise Y Hunter Y
Fitzhenry Y Colonna Y
Ludwig Y Berrios Y

VIII. ADJOURNMENT