

**CITY OF NEW BRUNSWICK
PLANNING BOARD
MAY 10TH, 2011
MINUTES
7:30 p.m.**

I. ROLL CALL

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

Board Staff:

Ben Bucca, Esquire; Board Attorney
Glenn S. Patterson; Board Secretary
Ken Krug; City of NB Fire and Electrical Subcode Official
Tom Guldin, PE; Board Engineer
Todd Bletcher, PP, AICP; Board Planner
Mark Siegle, AICP, PP; City of NB Principal Planner

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S APRIL 13TH, 2011 MEETING

Approved.

VI. COMMUNICATIONS AND REPORTS

Resolutions of Memorialization

A. None

VII. OLD 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

Continuation of the hearing from April 13th, 2011.

James F. Clarkin continued to represent the applicant. He stated that the wire transfer business stopped the day after the last hearing and they will get the proper approvals. He stated that the applicant and himself met with city staff on 4/19/11 and filed revised planes dated 4/25/11.

He stated the April 19, 2011 recommendations from the staff, which the applicant will comply with:

- add trash enclosure where originally shown
- renew voluntary condition that if no six day trash pickup the tenant will make up the difference
- will voluntarily have on-site manager
- will continue to store residential trash in the units
- will add bike rack under the overhang to protect against the weather
- chiller to remain in proposed location
 - o if adjacent garage demolished they will complete the enclosures 4th wall
 - o once sound blanket is installed, will retest for noise
- will have mutual gate and easement with 130 French Street

Mr. Clarkin introduced exhibit A-1 dated 5/10/11, which was a letter from Larry Johnson, which referred to the structural adequacy of the deck to support the HVAC units.

Ms. Jacquez, owner of Latino Supermarket, was sworn in. Mr. Clarkin introduced exhibits A-2 through A-5 (photos of the site taken by Ms. Jacquez on 5/9/11).

Mr. Patterson introduced photos S-1 through S-6, which were taken by Mr. Patterson on 5/9/11. Mr. Clarkin stated that photos S-2 and S-3, which showed cardboard, stacked in the alley are from the adjoining Chinese restaurant at 134 French Street.

Ms. Jacquez stated that the crates for milk stacked in the rear yard will be stored in basement in the future. There were 34 crates located in the rear yard on 5/9/11.

Noel Young, engineer, (still under oath from April meeting) stated that the trash enclosure is 5' x 12' and should be sufficient to accommodate the amount of trash generated by the supermarket.

Mr. Clarkin stated that photo S-5 is of the adjacent property not 132 French Street, but that property is also owned by the applicant and they are no running from their responsibility.

Mr. Patterson stated that the noise study needed to include the mechanicals on the deck and that the fence height which would be raised to 8 feet would be a variance.

Tom Bogdan, Planner, was sworn in. Mr. Bogdan stated that he setback variance approval is justified as follows (**all statements are by Mr. Bogdan unless otherwise noted**):

- The negative criteria is met as long as the sound study shows no noise violations. putting the chillers in the far rear of the lot is the best location as the adjoining building acts as screening. No substantial detriment by locating the chillers at this location.
- Raising the HVAC to the deck adds more space at ground level, which is positive.
- hardship to meet the setback so it can meet C(1) standards
 - o Mr. Patterson stated that this is a self-created hardship
 - Mr. Clarkin stated that the chiller put in by the tenant not the applicant and the board can find there are benefits that it can over ride the self created nature.
 - Mr. Clarkin stated that the C(2) argument is supported as attracting private redevelopment and that benefits substantially outweigh he detriment as there are no detriments.
 - o Mr. Colonna state that having large HVAC outside the window is a detriment.
 - Mr. Bogdan replied by stated that the tenant can judge this before signing a lease.

Mr. Clarkin reviewed the Bignell report and addressed all the issues raise in Section 10 of the report.

Mr. Guldin and Mr. Patterson stated that the noise study must be conducted at appropriate locations and the City engineer should be notified before it is conducted so he can be in attendance.

Public Comment:
None.

Mr. Patterson read off a list of conditions to attach to any motion for approval.

Ms. Garlatti made a motion to approve the site plan and variances with the conditions attached; motion was seconded by Ms. Torrisi.

Ms. Garlatti stated that the applicant made significant effort to improve the area of concerns.

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

VIII. NEW BUSINESS

None.

IX. ADJOURNMENT