

**CITY OF NEW BRUNSWICK  
PLANNING BOARD  
JUNE 10TH, 2014  
MINUTES  
7:30 p.m.**

**I. ROLL CALL**

Clari Barber  
Kevin Jones  
Betsy Garlatti  
David Fitzhenry  
Joe Catanese  
Carly Neubauer  
Linda Hunter

Board Staff:

Ben Bucca, Board Attorney  
Glenn Patterson, Board Secretary  
Mark Siegle, Principal Planner City of New Brunswick

**II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)**

Public announcement was read by Mr. Siegle

**III. SALUTE TO THE FLAG**

**IV. MINUTES OF THE BOARDS MAY 13<sup>TH</sup>, 2014 MEETING**

**Motion to approve the minutes was made by Ms. Garlatti, seconded by Mr. Fitzhenry. Unanimously approved via a voice vote.**

**V. COMMUNICATIONS AND REPORTS**

**Resolutions of Memorialization**

- A. 90 NEW STREET, LLC, PB-2013-30, Site plan and variance application for the construction of a mixed-use building located at 90 New Street, Block 129, Lot 5.01, Zoning District: Downtown Redevelopment Plan Area**

Motion to approve made by Ms. Garlatti, seconded by Mr. Fitzhenry.

Clari Barber- Yes  
Kevin Jones- Yes  
Betsy Garlatti- Yes  
David Fitzhenry- Yes  
Joe Catanese- Yes  
Carly Neubauer- Yes

**VI. OLD BUSINESS**

**A. None**

**VII. NEW BUSINESS**

- A. CITY OF NEW BRUNSWICK ZONING ORDINANCE AMENDMENT,** 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 to the C-5 Highway Commercial Zoning District.

Mr. Patterson was sworn in by Mr. Bucca.

Mr. Patterson introduced the nature of the proposed change to the zoning ordinance for the C-5 zoning district. He indicated that it was the area in the Route 1, Route 18, and Sears corridor. The proposal is to delete the permitted use of tavern in this area as the City feels it is not the best location for businesses which attract primarily drinking clientele rather than a restaurant where the primary attraction is for eating. He indicated that restaurants like Houlihans, On-the-Border, etc., which have liquor licenses would still be permitted within the zoning district.

Mr. Patterson stated that given the highway location and that the area is only accessible by car, having a tavern use in that zone is not the best idea. The master plan calls for highway oriented development and have uses that are attracted to the region. Mr. Patterson stated that since this zone is a regional attraction you would expect patrons from surrounding municipalities via car traffic. Mr. Patterson explained that he was looking for a recommendation that the proposed change is not inconsistent with the Master Plan and that the City Council should consider its adoption.

Joe Catanese-

Questioned the distinction between tavern and restaurant. He referenced Buffalo Wild Wings and specifically the "high top tables" and pitchers of beer. He stated that they do serve food, but it feels that it's more of a sports bar than a restaurant. He asked how you distinguish between the two.

Mr. Paterson-

He stated that there is a soft distinction between the two uses. The definition is based on what is in the patrons mind as why they are going to a place. He said that it is difficult to do. He stated that a place like Kelly's Tavern in the sixth ward is a tavern, as people are primarily going there for drinks, but a place that has a more extensive menu with it would be classified as a restaurant, i.e.- World of Beer, as you can get a "full meal".

David Fitzhenry-

How would you classify packaged goods?

Glenn Patterson:  
That's a package good store.

Joe Catanese:  
Package goods sale is a function of the liquor license.  
He asked if the function of the seating and layout had a potential influence on the designation.

Glenn Patterson:  
No, under the definition, it is what the patrons are going there for. If someone has a full menu and you can go in and get appetizers, entrees, and desserts and there are tables to sit down at; that's probably a restaurant.

Joe Catanese:  
Stated that there was always issues in the past of restaurants having "x" amount of tables and at a certain time of night the tables are removed for a dance floor.

Glenn Patterson:  
Provided various examples of those types of issues.

Joe Catanese:  
Asked if the issue of parking would come into play with some of these locations because if you allow more than a restaurants normal number of patrons, you would have the potential to overcrowd the establishment.

Glenn Patterson:  
The applicant would need to meet the parking standard no matter where it was located.

Ben Bucca:  
He stated that there has been a redefinition of a tavern and the concept of a tavern on a highway is outdated.

Glenn Patterson:  
It is appropriate to have places with liquor licenses on highways, but that they are to be restaurants not taverns.

Motion to approve the proposed amendment as being consistent with the goals of the Master Plan was made by Ms. Garlatti, seconded by Mr. Catanese.

Clari Barber- Yes  
Kevin Jones- Yes  
Betsy Garlatti- Yes  
David Fitzhenry- Yes

Joe Catanese- Yes  
Carly Neubauer- Yes  
Linda Hunter- Yes