

**CITY OF NEW BRUNSWICK  
PLANNING BOARD  
JANUARY 13, 2015  
MINUTES  
7:30 p.m.**

**I. ROLL CALL**

X	Suzanne Ludwig
X	Linda Hunter
X	David Fitzhenry
X	Joseph Catanese
X	Jeff Crum
	Carly Neubauer
X	Clary Barber (Class I)
X	Chris Stellatella (Class II)
	Betsy Garlatti (Class III)
X	Josepha Rojas(Alternate #1)
	Andy Kaplan (Alternate #2)

Staff Attending

X	Board Attorney AravindAithal
X	Board Secretary/Director of Planning Glenn Patterson
X	Principal Planner Mark Siegle
	Board Planner Henry Bignell
X	Board Planner Todd Bletcher
X	Board Engineer Tom Guldin
	Conflict Engineer Chas. Carley

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

**III. SALUTE TO THE FLAG**

**IV. MINUTES OF THE BOARDS JANUARY 8, 2015 MEETING**

Motion to approve the minutes: Fitzhenry

Second: Catanese

Approved by unanimous voice vote

## V. OLD BUSINESS

### A. CONSTRUCTION MANAGEMENT ASSOCIATES, PB-2013-25, Site plan and variance application for the construction of a residential building located at 17 Mine Street, Block 71 Lot: 4.01, Zoning District: R-5A and Redevelopment Area 2

Mr. Guldin and Mr. Bletcher were sworn in as professionals. Mr. Stellatella signed a certification that he had listened to the previous hearings on this matter.

Mr. Kelso asked that the EIS (A-12) be entered into the record. Mr. Macarthur objected to the report being entered. He stated that the report was prepared by Keenan Jughes, a professional planner, and he is not qualified to prepare the report.

Mr. Kelso stated that most the report dealt with historic issues, which Mr. Hughes has expertise in, and the balance of the report merely references engineering information that has already been put on the record.

Mr. Aithal advised that the report could be entered and the objector has an opportunity to cross examine both Mr. Hughes and the report.

Mr. Kelso said his client had previously testified about whether there was a contract between the applicant and the seminary for leasing units. Since the last meeting, a written agreement has been entered into between CMA and the seminary for 10 units. There are also provisions for alternate units if these units are not ready when scheduled. He is not submitting it as a document as it has proprietary information in it.

Mr. Macarthur asked to cross examine Mr. Hughes. Mr. Hughes stated he is not an engineer or traffic consultant.

Mr. Macarthur asked about the statement related to the meeting of the historic criteria for the property. He asked if SHPO had not already declared the property eligible for the historic register. Mr. Hughes said SHPO had not as it had not been deemed significant on its own. Hughes stated that in the 1979 architectural survey it had been included in a potentially eligible district but the neighborhood has changed since then and the site itself had not been determined eligible.

Hughes stated that there was not a more recent architectural survey since 1980 and this survey was what SHPO relied on for the letter they wrote last year about eligibility of the district.

Macarthur asked how many homes Hughes had seen with stained glass in New Brunswick. Hughes said he did not have a basis to answer that question.

Hughes stated that 29 Mine Street would likely be deemed a non-contributing structure to a historic district.

MacArthur questioned about the significance of the stained glass windows in the 29 Mine Street building. Hughes reiterated that based on his expertise, the building would not be a contributing building to a historic district as it is a vernacular building without high architectural style.

MacArthur asked about Hughes' testimony about a 10 ft front setback not being atypical and that he had cited 13 Mine Street as having a less than 10 ft setback, though it is located after the bend in the street. Hughes said it was all part of the same streetscape.

MacArthur asked whether 17 Mine was the highest building on the street. Hughes stated he had testified to that previously.

MacArthur asked if any other building on Mine St. had 3 sides with 4 story walls. Hughes said he was not sure but there may not be.

Is it possible to see the 4<sup>th</sup> floor from across Mine Street? Hughes said it might be possible but was not sure.

MacArthur said the EIS did not contain a list of all the required permits or analysis of air quality, noise and other issues and did not take into account alternate designs. Hughes said this was correct.

Hughes stated he did not think there were any Italianate, federalist elements in the building in response to a question by MacArthur.

MacArthur asked if modifications or lack of maintenance disqualify a property from historic eligibility. Hughes said it could if they result in physical alterations.

MacArthur asked if there was historically retained open space in relation to the 70 ft distance between 17 Mine and 29 Mine. Hughes said the 1979 survey did not reference this gap between the houses as historically significant and that the gap is a gap in the continuity of the streetscape.

MacArthur asked if demographic data had been consulted. Hughes said no.

MacArthur asked if the demolition and new construction would detract from the historic district. Hughes said not necessarily.

MacArthur said he had no more questions at this time but he asked to reserve the right to cross examine the professionals again after the public comment. Mr. Kelso said there needed to be limits on how much Mr. MacArthur can go back and forth.

Mr. MacArthur began the objectors' testimony with Mr. Johnathan Mills, of 13 Mine Street. He has lived there for 22 years. He said he was disturbed that the April 2014 public comment would not be part of the record as there was no notice that a de novo hearing was being held.

At the November meeting testimony was given about local conditions related to parking and traffic. He said tenants without on-site parking could park in areas that do not require permits or buy permits from neighbors who do not need them and he did not agree with Mr. Olivo's testimony about the parking adequacy. He said there were many illegally parked cars in the neighborhood.

He is disturbed that no visitor parking is proposed for 17 Mine.

He said depriving people of their legal right to park is a poor way to encourage public transit use. He also said there are gaps in the bus transit system. For instance, there is no bus service along Hamilton Street.

He is concerned that the building may be rented to non-students, who would not be able to rely on the Rutgers bus system.

He urged a rejection of the parking variance.

There have been no parking studies by the City of the area since 2000. There has been no study to take account of all the recent development that have received substantial parking variances.

The Rutgers surface lot across the street has been reconfigured to close the College Ave entrance and all access is through the Mine Street entrance. The driveway serves 128 spaces instead of 28 spaces as it previously did. This will impact Mine Street traffic conditions.

He urged a rejection of the application.

He is concerned about the impact of the new building on foundations, drainage and shadowing.

He added that 17 and 29 Mine were in good condition prior to Rutgers buying them. Rutgers and CMA have not maintained them and now use that poor condition in support of their application.

The CMA application states that the upper 3 floors will be available on the open market, but Mr. Broder has said he'd rent to students and CMA says they now have a contract. But, the application says it is for open market housing. The Board is being asked to accept a verbal promise that contradicts the written application.

The master plan calls for improved student housing. This building may provide little or no student housing. The master plan also places a premium on retaining homeowners like himself. The proposed building works against this. The Board should consider the design guidelines in the redevelopment plan and zoning. The plan overall design concept says all buildings should relate harmoniously. It says the height, setback and other characteristics should be harmonious with the area. The plan says the façade should be harmonious with other nearby facades. (O-7 Google Map of Existing Neighborhood) The Google map shows the relationship of the sizes of the existing buildings in the neighborhood and their setbacks, which are nearly uniform. (O-8 Google Map of Proposed Neighborhood). The proposed building has been superimposed on the neighborhood. Mr. Kelso object to the exhibit as there is no foundation as to the proper size of the building shown. Mr. Mills continued.

Mr. MacArthur asked Mr. Mills to describe how he determined the dimensions of the proposed building for his exhibit. Mr. Mills described the process he used to get the dimensions. Mr. Kelso asked if Mr. Mills compared the proposed building dimensions with what the bulk standards permit? He stated he knew the dimensions were permitted. Mr. Mills said that his opinion is that the proposed building overwhelms those around it.

The building will block the view of the 2<sup>nd</sup> Reformed church and his neighbor's house.

The redevelopment plan states that building treatments should be harmonious, including the sides of buildings as well as the front. The revised plans have no such design features as on the front façade. This violated the redevelopment plan design standards. These standards should be observed. If not, homeownership will be discouraged, which is the opposite of what the master plan calls for. The application should be rejected.

Mr. Aithal asked if Mr. Mills had a basis for know that the Google images of the house outlines in the neighborhood were accurate.

Alexander Litwornia, Engineer, Traffic Engineer and Planner  
He took 2013 Google photographs, scaled the buildings and then added the proposed building outline. (O-9 Google Photo Showing Setbacks) (O-10 Google photo showing setback plus the proposed building outline)

Mr. Kelso questioned Mr. Litwornia about the exhibits.

Mr. Mills used O-10 to show the setback relationships.

Alejandro Pieroni, 17 Mine Street

He is an electrical engineer. (O-11 Photos of Mine St. cartway from 15 Mine St.)  
The applicant did not provide statistical data on actual parking conditions on Mine Street or parking patterns. How can 132 tenants and their guests park in this area. How will first responders be able to properly respond as trash service and traffic may block the street?

Rutgers will be building a parking deck with an entrance opposite 17 Mine Street.

(O-12 Photos of 17 Mine and Adjacent Properties)

He said the area marked in front of 17 Mine Street would be lost for on-street parking.

Mr. Catanese asked if he was saying the spaces would be lost after construction. Pieroni said yes.

(O-13 Photo of 15 and 17 Mine St Existing)

The photo shows the existing houses are close together. The proposed building is also proposed to be close to his house and he is concerned about damage to his foundation. He said similar damage happened on a different property being developed by CMA.

Mine Street is the location of the old copper mine and it may not be safe to develop there. Ms. Ludwig asked him how he knew about this copper mine. He stated he'd heard about it but didn't know its location.

He is concerned about negative impacts on drainage to his property as there are already problems in hard rains. He feels the drainage report is not sufficient.

(O-14 Photos of Sunlight and Shadow at 15 Mine)

The photos are from his 2<sup>nd</sup> floor security camera. The photos show a tree of comparable height to the proposed building. He feels this will impact drainage.

(O-15 Photo of Sunlight and Shadows 15 Mine October 2014 Kitchen Security Camera)

The shadowing will cover much of the back yard.

The building will ruin the quality of life of people. He asked the Board to reject the application. He wants the proposal scaled down.

Mr. MacArthur asked if Peironi if he had had his basement sealed. Peironi stated he had this done a year ago.

Mr. Kelso asked if Peironi was aware there were regulations about managing stormwater. He said he was aware of it and that they said there would be no change. He said he was concerned the drainage system might not work or exceed capacity. Mr. Kelso said the plans are reviewed by city officials.

Mr. Kelso asked if the tree in the photos is in poor condition. Peironi said it was sick. Mr. Kelso asked if he knew that CMA had offered to take the tree down for Peironi. He said yes, they have reached an agreement on this.

A short recess was called. Roll was taken upon return and all members originally present were again present.

Mr. Litwornia, Traffic Engineer  
(O-16 CV of Mr. Litwornia)

He said the lot was a half-acre in size with two principal residential structures. They are proposed to be taken down and replaced with a 52 unit, 4-story building, with 43 underground parking spaces.

He reviewed the documents such as master plan and other plans and ordinances he had reviewed in preparation. He also reviewed the site plan.

He said the circulation in the garage was inadequate as it did not allow for full one-way circulation.

He said the variance was not a de minimus exception. The redevelopment plan says CMA should use the RSIS parking standards. The City had the opportunity to modify the parking standard but did not. He said RSIS allows for alternate standards. The Planning Board found the RSIS standards consistent with the master plan and redevelopment plan. RSIS standards call for 96 spaces, not the 43 spaces provided. He has noted there are few open on-street parking spaces. He did a 12-hour parking study and at 10:30 AM there were only 9 spaces open and fewer at other hours. He said giving up the parking permits does not do much as there is no parking on the street to begin with. He also said the applicant testified that some on-street spaces will be lost.

The 2000 parking permit study said investors are unconcerned about tenant parking problems and that there were parking problems in the 6<sup>th</sup> ward.

A 1999 Rutgers parking report said on-street parking was nearly 100% occupied in this area.

A May 2013 parking report on 23 college towns prepared by ITE reported that student housing has higher car ownership but fewer trips therefore more parking is needed. The traffic is less but more parking is needed.

He said the applicant's traffic report was inadequate as it characterized providing the required parking as a burden, which it shouldn't be. The report didn't consider building less units. The report also said 66% of NB residents have cars, but they are only providing spaces for 55% of the occupants. ITE would recommend 126 spaces for the project. The project does not provide sound parking design. Other towns require payments from developers for each space a variance is given for.

Providing a single entrance/exit is not adequate. There should be an alternate access to allow for vehicle turnaround.

The parking deviation is not consistent with the RSIS standards. His opinion is that the parking variance is not de minimus and should not be granted.

He said the shared parking space was not properly discussed as shared parking is done in places like Seattle where there is a coordinated parking garage system with car-sharing. A single housing project with car sharing is a different type of analysis.

He said RSIS standards require a detailed study to be done to justify granting a parking reduction when there is no on-street parking available. The applicant did not do this study.

He said de minimus means a maximum of a 10% deviation from the standard whereas this is a 55% deviation.

Mr. Aithal asked about Mr. Litwornia's expertise as he was presented as a traffic engineer, but some opinions were related to planning opinion and the Board should not give weight to this unless he is a planning expert. Mr. Litwornia stated he is a licensed planner in NJ and has testified in many municipalities. He was also a planning director of the Tri-State Planning Agency. The Chair accepted him as a planning expert.

Mr. Kelso asked if the RSIS standard was required to be in the redevelopment plan as there is a lengthy process to get an alternate and therefore without going through the lengthy approval process, it is required to have the RSIS standard in the redevelopment plan. Litwornia said the City could make its own residential parking standards after passing an ordinance and submitting it to DCA.

Didn't previous testimony state that RSIS standards had to be used. Mr. Litwornia and Mr. Kelso disagreed on this issue as to whether the standard had to be followed or whether a variance could be sought.

Mr. Kelso asked if the re-exam report had a recommendation for lower parking standards for student housing parking requirements when the housing is in walkable areas. Litwornia said yes, but his is not guaranteed to be student housing. Kelso asked: doesn't the reexam report call for a lower standard.

Kelso asked about the May 27 letter from the Site Improvement Advisory Board to Mr. Patterson referring to parking variances, and the SAIB's intent to have discretion on the part of local boards when characteristics support an alternate. He asked if this wasn't a flexible standard for the board to consider. Litwornia said it required an analysis that he feels was insufficient. Kelso said Litwornia

was deciding to not accept the testimony previously given. Mr. Litwornia said the testimony supported more parking demand than they are providing in spaces. Kelso asked about the applicant's testimony about their experience with similar projects in the 6<sup>th</sup> Ward and whether it was a good basis for justifying the proposed parking. Litwornia said it wasn't. Kelso asked if Litwornia said had examined whether these existing projects operated successfully. He said no.

Kelso stated the Elizabeth Hammer ITE study is in fact a master's thesis studying Clemson, Tuscaloosa and Auburn. Kelso said the definition of "college town" from the Dumbreck book was used to identify such towns, but New Brunswick would does meet the definition of a "college town". Rutgers would be considered a "college located in a city" by Ms. Hammer.

Kelso stated the college housing she studied was on average 2.3 miles from the college campuses and wouldn't this be a factor in her conclusion? Litwornia said it would.

Kelso referred to the Minnesota model in the Hammer paper, where a college is located in a city. He stated that Hammer wrote that for colleges in cities, one parking space provided for two apartments was sufficient and that such housing generates about one-third the cars of generic apartments. Kelso asked: Isn't this consistent with the City master plan reexam recommendation for parking in the College Avenue area? Litwornia said no as the permit parking report says differently. He feels the parking proposed is insufficient.

Kelso asked if it was better in his opinion to have a study rather than the actual experience of similar housing located nearby. Litwornia said the applicant had not studied the actual experience though. Litwornia said there is a need for more parking, it is not the RSIS number, but the applicant has not done a study to find out the number.

Mr. Fitzhenry asked Mr. Litwornia about the two local studies that were done in 1999 and 2000 and asked if Rutgers hasn't addressed some of the issues raised in those reports? Litwornia said he couldn't answer that.

Mr. Fitzhenry said that Rutgers hasn't provided sufficient housing and private developers are stepping in to meet demand. Does he have any more recent studies to review current conditions? Litwornia said he wasn't aware of newer studies. Fitzhenry asked if Rutgers putting commuter parking in Piscataway had been studied. Litwornia said he wasn't aware of any study. Fitzhenry also asked if he agreed that the Board had leeway with the RSIS standards. Litwornia discussed the lack of on-street parking and that the City could get a local standard. He said the applicant has to demonstrate how alternate transportation will address the lack of parking and the applicant hasn't done this.

Ms. Ludwig said the hearing would be continued on February 10 as it was now 10:35 and no additional witnesses would be heard tonight. Mr. Patterson announced the time and location of the meeting as the Freeholder Meeting Room.

Motion to adjourn: Fitzhenry

Second:

Approved by unanimous voice vote.