Zoning Board of Adjustment Minutes  
City of New Brunswick  
January 23, 2012

Roll Call:

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Open Public Meetings Statement was read

Salute to the Flag

Reorganization of the Board:
Mr. Patterson, as Board Secretary acted as the temporary chairman of the meeting

Nominations for Chairperson
Nomination: Nancy Coppola. No other nominations were made.
Motion: Sutton
Second: Chester
Approved unanimously

Ms. Coppola took over as chairperson of the meeting.

Nominations for Vice-Chairperson
Nomination: John Cox. No other nominations were made.
Motion: Sutton
Second: Sheehan
Approved unanimously

Nominations for Board Secretary
Nomination: Glenn Patterson. No other nominations were made.
Motion: Cox
Second: Chester  
Approved unanimously  

Appointment of Board Attorney  
Aravind Aithal, Esq  No other nominations were made.  
Motion: Maloney  
Second: Sutton  
Approved unanimously  

Appointment of Board Planner  
Mr. Patterson explained that a fair and open request for proposals was made. CME and Bignell responded. Staff was recommending Bignell  

Nomination for Appointment: Bignell & Associates  No other nominations were made.  
Motion: Cox  
Second: McEligot  
Approved unanimously  

Secondary/Conflict Planner  
City staff for the position  
Motion: Cox  
Second: Chester  
Approved Unanimously  

Appointment of Board Engineer  
Mr. Patterson explained that staff was recommending that City Engineer, Tom Guldin was recommended as the Board's primary engineer. Additionally, D&R Engineering was recommended as the supplemental and conflict engineer. A fair and open request for the supplemental engineer was made. Six firms responded. Staff was recommending D&R.  

Tom Guldin. No other nominations were made.  
Motion: Cox  
Second: Maloney  
Approved unanimously  

D&R Engineering. No other nominations were made.  
Motion: Cox  
Second: Chester  
Approved unanimously  

Appointment of Supplemental Engineer for Hydraulic Modeling  
Mr. Patterson explained that occasionally applications require that a computer simulated modeling of water demand be done to determine if the existing system is adequate. The modeling is done on a proprietary software system that the City contracted with Hatch Mott McDonald to prepare. Hatch Mott charges to run the system each time it is used. We are looking as to how we can charge this cost to the application rather than the City picking up
the cost. It is complicated to do this as the City's purchase order system is not geared to handle this type of request. As a first step in enabling the City to have authorization to charge the applicant's escrow account, we are looking for the Board to authorize Hatch Mott to do this work as part of an application review.

Nomination for Supplemental Engineer for Hydraulic Modeling
Hatch Mott McDonald. No other nominations were made.
Motion: Maloney
Second Chester
Approved unanimously.

Meeting Schedule
4th Monday of the month, with May and December being the 3rd Monday
Motion: Chester
2nd: Cox
Approved unanimously

Minutes
Approval of the minutes of the Board's December 19, 2011 meeting
Motion by: Cox
Second by: Chester
Approved unanimously

Resolutions of Memorialization:

Motion to Approve By:
Second by:
Approve:

Old Business:
None

New Business:

Royal Majesty, Inc, 208 Hamilton St.
Z-2011-16

Anthony Vignuolo, Esq. - application is to adjust the hours of operation that were limited in the original approval.

Tom Bogdan, Planner, - Neighborhood is a mixed area, with proposed restaurant across street and retail across the street with residential uses in the area. Zone now permits this use as zoning was changed some years ago.

Present restriction is 5 pm to 11 pm. Propose 10AM to 12PM during the week, with remaining
open to 2AM on Saturday morning and Sunday morning. Bogdan state that the proposed use complies with the existing zoning and it is therefore not a detriment on the zone ordinance or zone plan or the surrounding neighborhood. There were no police reports of incidents at this location from either the restaurant or the upstairs apartment.

Mr. Andy ________, Owner – Sunday night/Monday morning will close at 12PM

Sutton: Can we bring them back to the board if there are complaints.
Aithal: Board can ask for more information and is the applicant's burden but Board has to either approve or deny the application.
Patterson: Applicant is here before the Board as neighbors complained that the existing restricted hours were not being honored.
Coppola – is the “no slices” restriction still needed?
Bogdan – he was the Board Planner at the time of approval and he discussed how the neighborhood was different in 1988.

Elias – having Tata's open later may keep some students from walking farther up to Easton to get pizza and the shorter walk may actually improve the neighborhood.

Public
Jo Liotta: Why can Easton stores stay open

Motion: Cox
Second: McElligott

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Anthony Berardinelli/Dominick DiCampi, 73-2011-18
Z-2011-18
Anthony Vignuolo, Esq -
Application to pave a portion of the rear yard to provide additional off-street parking. There existing bulk variance issues.

Dominick DiCampli – owner
A-1 thru A-7 photos of the existing conditions.
He has owned the 2 family house for 30 years. Parking is currently provided with 2 driveway spaces. Four spaces are proposed for the rear. Other properties in the area have parking in the rear of the properties. Security lighting will be provided in the rear. Bd on Bd fence will be proposed on the right with chain link along the rear.

Public:
None

Motion to approve with the recite conditions:
Motion: Sutton
2nd: Chester

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Hamilton Street Realty, LLC, 191 Hamilton St.
Z-2011-17

Scott Elias recused himself as he owns property within 200 ft of the applicant.

Photos of existing conditions: A1 and A2 and one photo of proposed conditions, A3

Jennifer Burgess, Esq – application for conversion of former furniture store to an apparel store. Site was occupied by White Lotus Furniture and is in the R-5A zone. The properties across the street are in the C-1 zone. Not facade or structural changes are proposed.
Mitch Broder – property owner: He bought the property this past June. He is seeking a use variance for an apparel store. He also owns the adjoining property. The long term objective is to redevelop the properties but the short term goal is to clean them up and get them occupied. Propose use is a design and clothing boutique. New a/c, heating and lighting systems will be upgraded. A new entrance door will be added. Loading will be done from the driveway.

Mitigating the use variance is the fact that the C-1 commercial zone is across the street. The boutique would be a low impact use and will fit in with the existing character of the area. Hours will be normal business hours.

Michael Sherman – store owner – The clothing store will have youth oriented stock.

Ali El Sheanany – storeowner – he is an experienced retailer in New Brunswick. No employees other than the two owners. Hours would be 10-7, 7 days per week. Deliveries are normally by a UPS type truck.

Tom Bogdan, Planner
Property is particularly suited for the proposed use and supports the general welfare as the existing site was use for furniture retail with assembly in the rear. The former use is similar and the applicant could argue that this is a continuation of the pre-existing use.

The negative criteria are met as the site will operate as it always has and probably with less deliveries. Little traffic will be generated.

Chester: Is the rear design space to be used by others? Owner – only sporadically.

Burgess: ask that no update plans be required.
Sherman: Basement will be used for storage.
Broder: trash receptacles will be in the rear

Public:
Scott Elias: owns the adjacent property. Thinks this will be good neighbor and do not want it to be a food establishment.

Jo Liotta: asked about how the driveway worked.

Motion: Sutton
2nd: Cox

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Annual Zoning Report:
Motion to forward to Council and PB
Motion: Sutton
2nd: Cox

Adjournment