

Zoning Board of Adjustment  
City of New Brunswick  
July 23, 2012

Roll Call:

x	Nancy Coppola, Chair
x	John Cox, Vice Chair
	John Sutton
x	Kim Maloney
x	Margaret Chester
x	Scott Elias
x	Sue McEligott (alt)
	Doug Sheehan (alt)
	Peter Ventrice (alt)
x	Jose Madera (alt)

Open Public Meetings Statement was read

Salute to the Flag

Minutes

Approval of the minutes of the Board's June 25, 2012 meeting

Motion by: Chester

Second by: Cox

Approved unanimously

Resolutions of Memorialization:

**DONALD KISLAN, Z-2012-05**, Variance application for the conversion of a two bedroom apartment into a three bedroom apartment within a multifamily residential building located at 214 Townsend Street, Block 160, Lot 35.01, Zoning District: R-5A

Motion to Approve By: Cox

Second by: McEligott

Approve: Chester, Elias, McEligott, Cox

**PIOLI PROPERTIES, LLC, Z-2011-20**, Site plan and variance application for the conversion of an existing industrial building into a mixed use facility located at 120 Georges Road, Block 349.01 Lot 4.01, Zoning District: I-1

Motion to Approve By: Elias

Second by: Cox

Approve: Chester, Elias, McEligott, Cox

**GOSPEL CHURCH OF THE FIRST BORN, INC- Z-2012-06**, Site plan and variance application for the use of the existing building as a church located at 177 Delavan Street, Block 218 Lot, 11.01, Zoning District: R-5A

Motion to Approve By: McEligott

Second by: Cox

Approve: Chester, Elias, McEligot, Cox

Old Business:

None

New Business:

**RECON SERVICES, LCC, Z-2012-01**, Site plan and variance application for the construction of a multifamily dwelling located at 54 Ray Street, Block 80, Lots 7, 9, 23.01, Zoning District: R-5A

Thomas Kelso, Esq. - The application is for site plan and variances for a multifamily building with 35 unit with underground parking. The site is in the R-5 zone and requires a use variance. Bulk variances are also required. While some side yard variances are requested, the proposed setbacks are greater than the existing setbacks in some cases. D variances for FAR, height and use are required. A parking variance is also required. The parking is provided at near a 1:1 ratio, which is similar to other similar projects. We will present 4 witnesses for engineering, traffic, architecture and planning.

The applicant has agreed to limit the occupancy of the bedrooms to 1 person occupancy and waive rights to residential permit parking.

Stephen Schoch, Architect -

A-1 – aerial of site context. The site is mid-block on Ray and Morrell, near the Rutgers campus. There are existing single family student rental houses on the site. The lots have been consolidated to create a through lot. Therefore, there is no rear yard.

A-2 – Streetscape photos Morrell

A-3 – Streetscape photos Ray St.

The photos show a panoramic view of the two block fronts, showing 2-3 story buildings. The proposed building is shown added in on the middle row of photos, showing that it compliments the existing buildings. Ray St. has an existing multifamily apartment building with a half level below ground.

A-4 – photo elevation of the proposed Morrell St perspective

A-5 – photo elevation of the proposed Ray St. perspective

There are 35 2BR units with small single occupancy bedrooms. Access will be provided to the interior from both streets. The building height variance can be eliminated if a flat roof is provided, but this would be out of character with the surrounding building character. Front

yard variances are provided on both sides, but are in character with the neighborhood.

A-6 aerial site plan photo – shows how the building lays out through the site. Parking is under the building with one street-level handicapped space. A rear yard variance is created as one half of the building has a slightly wider width. The front yard setback requires a variance but improves on the existing condition. The building provides safer, more modern housing for the student population.

A-7 Floor Plan – The interior has double-loaded corridors. The ground floor units are on accessible pathways. There is little common area in the halls. The apartments are intentionally small. Parking is provided under the building. The building width is driven by the width required for the parking spaces and aisles.

Elias – what is the intent of the lobbies? Schoch – they are waiting areas and are not very large. Mail and other uses will be located there.

Elias – where is garbage handled? Schoch – there are trash rooms on each floor along with recycling and will be picked up privately as frequently as needed.

Elias – do people normally walk a block width to dispose of recycling? Schoch – the 180' length is not uncommon in a multifamily building.

Chester – will the garage be secured? Schoch - Yes

William Parkhill, Engineer

Design waivers are requested for parking in the front yard setback for the handicapped space. The drive aisle width is also narrower than the standard. The ramp length provides good visibility. No designated loading zone has been provided and loading will be handled by building management.

Parking access is off of Ray St to access 32 spaces, which will be numbered and assigned. There is an additional handicapped space. Access to the building from the parking is through a stair tower. Bike storage is provided both in the garage and under a cover off Morrell. The site will have a 6' fence with landscape screening.

Trash and recycling will be stored inside the building only. Pickup will be frequent enough so there is no overflow.

Storm water detention is provided to meet the stormwater standards. Tree replacement of 5 trees is provided. A contribution to the tree replacement fund will also be made.

Maloney – how are entries to the deck controlled? Parkhill – there will be an access card system.

Charles Olivo, Traffic Engineer.

He prepared a traffic report for the project that looked at both on-site and off-site traffic impacts. The area has excellent transportation nearby via Rutgers buses and train station. There are also well developed pedestrian facilities. Ray and Morrell have an ADT of 1500 to

2000, compared to about 18,000 on Easton. Ray and Morrell have resident permit parking restrictions. The intention is to consolidate the use of parking by combining the lots to create a more efficient operation of the parking which is under one management compared to the current mixed ownership of the on-site parking.

The access width of 22' is adequate though does not meet the city standard. It can accommodate SUV access.

The dimensions of the parking garage stalls and aisles are sufficient for the residential use and meet industry standards. There will be reduced turnover in the garage for residential use compared to commercial. Given the urban location, the RSIS guidelines are not the appropriate standard given the walkability of the neighborhood and access to transit. In urban areas, the standards are being reduced to about .75 spaces per unit based on observation of actual need. Residential units are also self managing regarding the need for parking, as tenants who need parking will not rent if they can't get a space. Access to the spaces would be controlled by management as the engineer discussed. The deck will also have adequate lighting that meets modern standards, compared to the existing properties, which may have inadequate lighting.

Trip generation analysis was done based on industry standards. Using a suburban generation standard, about 40 trips would be generated at peak hour. This is using a conservative standard. The ITE standards say that less than 100 new trips generated will not effect the LOS. This does not account that 25% of New Brunswick residents take transit, walk or bike to work, which would dampen the trips generated and the project is not expected to have a significant impact on the roadway system.

Keenan Hughes, Planner

A use variance is needed, as well as FAR and height D variances. Bulk variances are needed for the setbacks, impervious coverage and parking. There is a recognized need for student housing in the area. Many structures are used for multifamily student housing which was not their original intended use.

The 2012 master plan re-exam report suggested that graduated density housing could be developed in this area. It stated that graduated density housing would be appropriate within a 5 minute walk from the campus, which this property is. Lots with at least 10,000 sf of area would be appropriate for this and this site has 17,000 sf. The project also has a near 1:1 parking:unit ratio that is similar to other projects. The project advances MLUL goals a, e and g. The project also is supported by the recommendations of the recently adopted master plan re-exam report.

The FAR and height variances are subsumed in the use variance. The test is whether the site can accommodate the bulk and height. The added density allows the project to have underground parking, which is preferable. The height variance is attributable to providing a gabled roof to comply with the neighborhood character. There is no substantial detriment and can be supported by MLUL purposes, a, e and i. Most lots in the area also do not meet the lot width requirements. There would be no detrimental impact from the width variance.

The setback requirements are intended for single family development and the variances are subsumed in the use variance but also in several cases improve on the existing setback conditions.

The building and impervious coverage's are also subsumed in the use variance and allow the parking to be provided underground.

The location of the site with its walkability and transit access allow the project to work with the proposed 32 parking spaces. As stated, the parking situation is also self-policing through potential tenants. The variance can be granted without substantial detriment.

McEligott – is there any on-site management? Kelso – The owner has talked with Wentworth Mgmt., the firm that manages One Spring. There is no on-site super, but they are located in town.

Public:

Victor Sordillo – owns 61 Morrell St

Camera security is misleading as it has lead to lawsuits. He is familiar with this as he is a risk analyst.

He is concerned with the fire protection and he is the first registered fire engineer in Massachusetts. Cars will be full of gasoline and create a potential hazard. Apartment-style living also makes living unsafe and there is a higher ratio of fire deaths in apartments than single family houses.

New projects are supposed to meet the standards, not repeat the existing non-conformities. This building puts his building in the shadows.

There are over 140 listings for student housing on the off campus website, so there is no need for additional student housing.

He wants to retire to 61 Morrell after he leaves his home in Warren Twp. He would also like to bring an attorney and planner to provide contra-testimony. The master plan re-exam is not the master plan and the existing master plan calls for preservation of the single and two-family houses and prohibition of garden apartment buildings.

There is a parking problem in the neighborhood.

This project could not be built in the R-6 multifamily zone as proposed. The variances requested are substantially in excess of the standards, not just slight encroachments. The project intrudes on the neighbors. The height is 43% over the allowable standard. They could lower the project by a floor. The building coverage is 3.5X more than allowable. The impervious coverage is encroached upon and flood related rules should be followed or neighbors may get wet basements. The FAR is 6X more than allowable. The parking is less than half of what is required and he does not think you can take away a parking permit from

a tenant. Per Medici, there is no special reason upon which to grant approval. He thinks there is a surplus of housing and rents will drop leading to deterioration of the housing.

Charlie Kratovil

How much will the rent be? Perry Pavicic – owner: the rent levels have not been determined but ballpark is around \$1200 including parking.

Who are principals of the LLC? Kelso – that is disclosed in the application. Pavicic – he manages a building in Tampa.

Kratovil – he is concerned with the lack of common area. The current buildings are not dilapidated. There is no parking provided for visitors and deliveries. Concerned about handicapped accessibility and it should be elevated. There are no affordable units in the building and there should be as rents are getting steeper and steeper. Wait until the master plan process is concluded before approving projects like this.

John Chuselka, owns 57 Ray St. - major concern is the parking as on-street parking is a problem. Many students have jobs that require cars.

There are no common areas for the residents to party so they may party at adjacent properties.

The impervious coverage is also excessive.

Are there provisions for parking for construction workers? Kelso – where they will park is not known yet. The construction would be about one year long.

Bruce Newling, 47 Huntington St.

Development by variance is not acceptable. The 6<sup>th</sup> ward can't be just for Rutgers students. Housing is needed for minorities and the elderly. Concentrating students in multifamily buildings is bad policy as they are soft targets for terrorism. Rutgers should be moved to Piscataway and the College Ave Campus should be put to retirement housing. Residents have the right to expect the zoning standards to be maintained.

The multifamily buildings already on Sicard illustrate the environmental problems due to the stormwater problems. They are substandard buildings from the outset due to the lack of common area and residents don't get parking permits. The height will interfere with solar panels on adjacent buildings. An environmental impact statement should be required.

Richard Stuart, 90 Neilsen St.

What are the Rockoff rents? [No one knew this information.]

Mitchell Broder,

He has been developing projects like this for 15 years and they work. They are clean, safe, efficient and desirable.

Closed public hearing

McEligott – how will storm water be handled? Parkhill – the storm water system meets City standards and there is a detention system. The runoff will be equal to the existing runoff from the site.

Chester – neighbors who live here didn't come to testify, and critics are other landlords.

Cox – these new units will be safer as the existing units are unsafe and not having party spaces is a positive. McEligott – concerned about whether the impact of the recently approved units will affect the neighborhood.

Maloney – concerned with the coverage also but not concerned with the parking as the other projects like this work.

Coppola – was originally concerned about the size of the project as live in the 6<sup>th</sup> ward.

Motion: Cox to approve with conditions

Second: Chester

	Yes	No
Nancy Coppola, Chair	x	
John Cox, Vice Chair	x	
John Sutton		
Kim Maloney	x	
Margaret Chester	x	
Scott Elias	x	
Sue McEligott (alt)		x
Doug Sheehan (alt)		
Peter Ventrice (alt)		
Jose Madera (alt)	x	

**SICARD HOUSING, LLC Z-2012-08**, Amended site plan and variance application to construct a 395 square feet covered parking space addition located at 66 Sicard Street, Block 86, Lot 37, Zoning District: R-5A

Thomas Kelso, Esquire – The 66 Sicard project was approved about 18 months ago and has

been constructed. Near the end of construction a code interpretation made it necessary to add a cover to the handicapped parking space area, which creates increases to two existing variances, building coverage and rear yard setback. Both are minimal increases. The building is occupied but this variance is needed to get a full CO.

Stephen Schoch, Architect

A-1 – amended site plan sheet 3 of 11. The yellow outline is the existing unchanged building footprint. The handicapped parking space is provided at ground level. The building inspector found that the space needed to be covered to provide protection from the elements to the handicapped parker. The modification is proposed to add a roofed area and reorganize how the parking space and trash area are arranged.

A-2 Existing Photos

The additional roof area increases the building coverage for which there is an existing variance. The trash area will move to the side yard. The trash area doors are only opened when the trash is being taken out by the sanitation truck. The roof will also not block the existing windows.

The rear yard setback variance is created because the roof makes the area a structure and because it is a corner lot, what appears to be a side yard is actually a rear yard, which thereby creates a variance. The wall has not moved, but because it is now a structure, it creates a variance.

Elias – is there lighting? Schoch – yes and it has a fire suppression system.

Public:

Bruce Newling, 47 Huntington St.

Hard to fathom how this was missed as a requirement. The addition will create an undesirable living condition. The handicapped space should be in the underground parking area. Will the windows be blocked?

Maloney – the architect testified that the windows will not be blocked.

Schoch – the handicapped spaces can't be in the garage as there is no accessible route due to the pitch of the ramp in the garage and it is not the shortest route possible for the handicapped person. The exterior space is immediately adjacent to the entrance and meets the spirit of the code.

The roof covering as shown on A-3, the roof plan, shows a flat area of the roof. It connects to the side of the building. There is no obstruction to the window. The lower floor windows will see the underside of the roof, but are not obstructed and the design meets applicable codes. This is similar to a front porch roof.

Mitchell Broder – contractor for the project

He doesn't know if the existing tenant knows of the plan but it is something that is required by the construction official.

Schoch - The tenant would have seen the dumpster with the original plan as well as a parked car.

Maloney, Chester – this is a good accommodation to address an issue that was missed.

Motion: McEligott to approve with conditions

Second: Chester

	Yes	No
Nancy Coppola, Chair	x	
John Cox, Vice Chair	x	
John Sutton		
Kim Maloney	x	
Margaret Chester	x	
Scott Elias	x	
Sue McEligott (alt)	x	
Doug Sheehan (alt)		
Peter Ventrice (alt)		
Jose Madera (alt)	x	

**D & D, LLC, Z-2012-03**, Site plan and variance application for the construction of a multi-family dwelling located at the intersection of Ray Street and Sicard Street, Block 83, Lots 1.01 and 40, Zoning District: R-5A

The applicant was not able to be heard due to the late hour as the previous application did not finish until after 10:30 pm. An announcement was made that the application was postponed until the August 27, 2012 meeting and that the announcement was the public notice. If the application is not heard at the August meeting, the applicant will redo the personal notice.

Adjournment 10:35