

**CITY OF NEW BRUNSWICK  
BOARD OF ADJUSTMENT  
APRIL 22ND, 2013  
AGENDA  
7:30 p.m.**

**I. ROLL CALL**

	Nancy Coppola,
X	John Cox,
	John Sutton
	Kim Maloney
	Margaret Chester
	Scott Elias
X	Sue McElligott
X	Doug Sheehan (alt)
X	Peter Ventrice (alt)
	Jose Madera (alt)
	Tierream Houser (alt)

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

**III. SALUTE TO THE FLAG**

**IV. MINUTES OF THE BOARDS MARCH 18TH, 2013 MEETING**

Motion: Sheehan

Second: Cox

Approved unanimously by voice vote

**V. COMMUNICATIONS AND REPORTS-  
Resolutions of Memorialization of Approval**

**A. None**

**VII. OLD BUSINESS**

**None.**

**VIII. NEW BUSINESS**

**A. 12 LAUREL PLACE CORPORATION, Z-2009-18, Variance application for the construction of a two-family duplex located at 12 Laurel Place, Block 413, Lot: 17.01, Zoning District: R-5A**

Ronald Reba – principal of 12 Laurel Corp.

He bought the property in 2002. He did a title search at the time of purchase, which disclosed no easements or underground piping on the property. The intention was to develop the property with residential units. He later reduced the development plan to two units that would be placed towards the rear of the property. The property is adjacent to an existing multifamily building and a single-family house. He tried but was unsuccessful in acquiring the adjacent single-family.

The applicant's engineer discovered a storm sewer that bisected the property that prevented the site from being developed as proposed. He amended the plan to move the building to the front of the property to avoid the storm sewer, which is the present plan.

Justin Auciello, Planner

The two-family use is a permitted use and the neighborhood is a mixture of one and two family homes with a multifamily adjacent to the property. The site has a brook to the rear and is an oddly-shaped flag lot. Additionally there is a sewer easement bisecting the property. Therefore, there are serious site constraints.

The variances required for the proposal are: lot width (80 required, 25' existing), building setback line (5 required, 26' provided), side yard setback (15/25 required and 1.8' provided) and building orientation. All the conditions relate to the character of the lot as a flag lot and it is a classic "c" variance. The sewer easement precludes development in the wide rear portion of the lot. The narrow front of the lot creates the lot size and setback variances.

A-1 Aerial photo of conforming lot widths. Most of the properties near the subject property have insufficient width per the ordinance standard.

The zoning ordinance permits 2-family uses and the intent of the zone is to preserve the character of the single and two-family nature of the neighborhood. The proposal also advances the purposes of the MLUL for development at appropriate densities and is therefore also justified on a C2 basis.

The project meets the positive criteria due to the C1 hardship of the narrowness of the lot and easement restrictions. The negative criteria are met as there is no substantial detriment to the public good as the use is permitted, it fits within the context of the neighborhood and the variances are only caused by the lot character. The zoning plan and zone ordinance will not be impaired.

Joseph Hyland, Architect and Planner

The house is oriented towards the side yard due to the narrowness of the lot. Both units are accessed from the same side. The design can be modified to provide for a door on the street side of the building if the Board desires. He feels the side entrance makes for a more efficient interior layout. The rear unit would retain the side entrance.

Parking is provided in the front with a walkway to access the doorways.

Tom Guldin – City Engineer – were the lots consolidated for this application? Reba – seller had the lot as a single lot in 1984.

Mark Siegle – the 1969 tax lot always showed the front 25x100 lot has always existed. It is not a self-created hardship. The two former lots were apparently merged by the assessor as a consolidated of commonly-owned undersized lots.

Aravind Aithal – a consolidation deed should be filed.

Guldin – is there an easement on record as it doesn't show on the Demuro map.

Dennis Auciello – there is no easement recorded.

Aithal – the easement should be recorded to justify the development hardship.

Guldin – provide an easement stating the easement is 15 ft on either side of the pipe.

Dennis Auciello – he will do this.

Public None

Motion: McElligott

2<sup>nd</sup>: Ventrice

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

- B. 411 JOYCE KILMER AVENUE, LLC, Z-2012-15**, Variance application for the use of the existing space for the operation of a place of worship located at 411 Joyce Kilmer Avenue, Block 321, Lot 2.01, Zoning District: I-1

The applicant requested the hearing be adjourned until the May 20, 2013 meeting due to a lack of a full voting board. Public notice was given; no further notice will be required.

- C. 409 JOYCE KILMER AVENUE, LLC Z-2013-03**, Variance application for the use of the building for medical/professional offices located at 409 Joyce Kilmer Avenue, Block 286.01, Lot 1.01, Zoning District: I-1

The applicant requested the hearing be adjourned until the May 20, 2013 meeting due to a lack of a full voting board. Public notice was given, no further notice will be required.

**IX. ADJOURNMENT**