

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
JANUARY 27TH, 2014
MINUTES
7:30 p.m.**

I. ROLL CALL

	Nancy Coppola,
X	John Cox,
X	Margaret Chester
X	Sue McElligott
X	Doug Sheehan (alt)
X	Peter Ventrice (alt)
	Jose Madera (alt)
	Tierream Houser (alt)
X	Mike Manzella
X	John Zimmerman
	Maria Torrisi

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

Nomination and Appointment of Chairperson
Nomination of Nancy Coppola: Cox
Second: Chester
Approved Unanimously

Nomination and Appointment of Vice-Chairperson
Nomination of John Cox: McElligott
Second: Chester
Approved Unanimously

Nomination and Appointment of Secretary
Nomination of Glenn Patterson: Cox
Second McElligott
Approved Unanimously

Nomination and Appointment of Board Attorney
Nomination of Aravind Aithal: Chester
Second: Cox
Approved Unanimously

Nomination of Board Planner
Nomination of Bignell Planning Consultants: McElligott

Second: Cox
Approved Unanimously

Nomination and Appointment of Secondary/Conflict Planner
Nomination Not necessary as Board staff will handle any conflict cases:
Second:
Approved Unanimously

Nomination and Appointment of Board Engineer
Nomination of Thomas Guldin, City Engineer: Manzella
Second: Chester
Approved Unanimously

Nomination and Appointment of Secondary/Conflict Engineer
Nomination of D&R Engineering: Cox
Second: McElligott
Approved Unanimously

Nomination and Appointment of Hydraulic Modeling/Water System Capacity
Engineer
Nomination of Hatch Mott MacDonald: Chester
Second: Manzella
Approved Unanimously

Nomination and Appointment of a Traffic Systems Engineer
Nomination of Hatch Mott MacDonald: Cox
Second: Chester
Approved Unanimously

Adopt meeting schedule for 2014 through January 2015
Motion to Approved the Schedule for 4th Monday's with noted changes:
McElligott
Second: Chester
Approved Unanimously

IV. MINUTES OF THE BOARDS DECEMBER 16TH, 2013 MEETING

Motion to Approved the Minutes: Chester
Second: McElligott
Approved Unanimously

V. COMMUNICATIONS AND REPORTS- Resolutions of Memorialization of Approval

- A. **THE TOWN CLOCK CORPORATION, Z-2013-14**, Site plan and variance application for the construction of supportive needs housing located at 9 Bayard Street, Block 9, Lot 21, Zoning District: C-4

Motion: Chester
Second: McElligott

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
Doug Sheehan	X	
John Zimmerman	x	
Maria Torrisi		
Peter Ventrice (alt)		
Jose Madera (alt)		
Tierream Houser (alt)		
Mike Manzella (alt)		

VI. OLD BUSINESS
a. None.

VII. NEW BUSINESS

A. 18 BETHANY STREET, LLC, Z-2013-09, Variance application for the use of the attic for an additional bedroom located at 18 Bethany Street, Block 99, Lot 25, Zoning District: C-3A (Application Materials were distributed for the October 28, 2013 Meeting)

Peter Lanfrit, Esq: There is little being proposed for the property but technicalities create a variance. The 2nd floor has approved, improved space. The applicant wants to convert a room to a bedroom, which creates a parking variance. However, they will adjust the bedroom size so that the occupancy level does not increase.

Peter Dalton, Owner: He has owned the property for 11 years after purchasing it through a sheriff's sale. It was being used as an illegal 4-family at the time of purchase. He converted it to a legal 2-family. The basement is not habitable but contains a bathroom. The 1st floor contains 3 bedrooms and is used as one apartment unit. The 2nd and 3rd floor are one apartment with 4 bedrooms on the 2nd floor. The 3rd floor has several rooms but no bedrooms.

Dalton has encountered issues during housing inspections as the tenant's children have aged and one has used the den in the attic as a bedroom. Dalton has been cited for this. Dalton wants to address this by adding a 3rd floor bedroom but also reducing the size of two 2nd floor bedroom from a 2 person occupancy to one person occupancy. He would do this by increasing the closet sizes. The 3rd floor bedroom would have 2 person occupancy and two 2nd floor bedrooms single occupancy. The total occupancy would remain at seven. There will be 5 total bedrooms in the 2nd

apartment. However, the additional bedroom requires an additional parking space to be provided as there are only two spaces on the property.

Dalton will also remove the front stair encroachment from the public ROW.

Public: None

Motion to approve with the conditions cited by the Bd. Secretary: McElligott
Second: Chester

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
Doug Sheehan	X	
John Zimmerman	x	
Maria Torrisi		
Peter Ventrice (alt)	X	
Jose Madera (alt)		
Tierream Houser (alt)		
Mike Manzella (alt)	X	

B. GILBERT MERCADO, Z-2013-10, Site plan and variance application for the construction of a mixed use building located at 173 French Street, Block 98, Lot 35, Zoning District: C-2A

Peter Lanfrit, Esq: The application is for a use variance for an existing mixed-use building with a bodega on the 1st floor and 4-bedroom apartment on the 2nd floor. An approval was previously granted for adding a 3rd floor with an apartment but this was never constructed. The applicant now wants to construct a 4-story building and add to the retail area on the ground floor.

Gilberto Mercado, Owner: He purchased the property in January 2003. There is an open area to the rear of the current building. A bodega has been occupying the ground floor. It operates from 6:30A to 10P. The 2nd floor has a 4 bedroom apartment. They have approval to add a 2nd 4-bedroom apartment.

Mercado has problems with people hanging out in the back yard and often has to call the police. He is looking to build on this area to that it can't be used to hang out in. He has put up a fence but found it to be not effective.

Larry Johnson, Architect:
A-1 Perspective Renderings

A-2 Perspective Rear Rendering

The existing building is old and showing signs of deterioration. The a/c units are in the back and would be moved to the roof. The first floor retail has a boarded up exit to the alleyway. There is a fence around the back yard but debris collects in this area. People hang out in this area, even in the morning.

The basement is used for commercial storage only.

The applicant originally proposed keeping the four bedroom apartments and adding new four bedroom units. However, based on discussion with the staff, they have modified this to create two-bedroom units and have additional units. Each floor would have two 2BR units and one 1BR unit. Additionally, there would be a 1BR unit on the first floor. A variance is requested to allow a residential unit on the first floor.

The existing building will have two floors added to it. The extension to the rear will be on separate footings. There is no interaction between the new and old portions except on the 4th floor where it is required by fire code.

The rooftop equipment will not be visible from other buildings.

The exterior of the building will be brick on the French and Alexander St sides will be 100% brick. The wall adjoining the adjacent building and rear will have vinyl siding. (Applicant revised these to provide Hardiplank instead of vinyl after questioning by Board Planner Bignell) Garbage will be stored in a screened area in the rear of the building.

A 500 sf retail space will be added to the first floor on the Alexander St. side. This will be a non-restaurant use.

There will be an entrance to the apartments from Alexander Street.

Trash will be picked up privately. There are 10 residential units with an average occupancy of 2.6 occupants generating 396 lbs per day. This requires a 4 yard dumpster. The retail generates about 100 lbs daily. The trash area will have two 2yrd dumpsters plus 3 recycling cans to meet the anticipated demand.

The new design will have an alleyway on both the French and Alexander St. side. Tenants will have key access to these areas to take their trash out to the area. The area will have a keyed lock on it that will look like a residential lot. The fencing will be 6 ft high. The fencing will also keep non-tenants from using the trash containers.

Each unit will have through-the-wall heating elements. All utilities come in from Alexander St., except electric, which comes in from French Street. The basement will contain the meters.

The architect reviewed the submitted floor plans. The 2BR units will be about 800 sf. The 1BR units will be about 500 sf. The h/c accessible unit will be about 400 sf.

No loading space is proposed and one does not exist now. Delivery vans use Alexander Street.

The basement will only be used for dead storage for the commercial space.

The retail window treatments will be enhanced per the Bd. Planner's suggestion.

The awnings will have compliant spaces for signage.

Landscaping cannot fit in the rear alleyway. There is landscaping proposed in the side alleyway but the applicant feels it will not survive there. They propose a pervious gravel area instead and providing planters along the French Street frontage.

The building is compatible with other buildings in the French Street area including 156 French, which are of similar style and height.

McElligott – what is the occupancy of the units: two persons per bedroom

Edward Colling, Planner

The applicant needs a D1 use variance due to the 1st floor residential unit and a D FAR variance. Other bulk variances are needed.

The loading area can not be accommodated as the lot configuration does not allow for it. On-site parking is also not accommodated by the configuration. The design is consistent with the existing uses along French Street. All the uses are permitted. The ground floor residential is located on Alexander Street, which is more residential in character. The accessible unit is required.

The reconfiguration of the design to smaller apartments is more appropriate for the mixed-use area. The design is well suited for the area.

The additional lot coverage is mitigated as the property is located on a corner where the larger building provides more character. There is separation between the proposed building and the adjacent residential building along Alexander Street.

The proposed units are small and the typical tenant will not own a car. Bicycle facilities will be provided and there are transit facilities nearby.

The master plan recommends this area for mixed use development with commercial and residential uses. The units will also be affordable to working people, which is a plan goal. The plan calls for residential in the commercial zones. It also encourages sustainable mixed-use development.

The zone plan is advanced as the uses are permitted and the general welfare is promoted as the development is consistent with the type of development encouraged in the plan. It is also developed in an appropriate location and it creates a desirable visual environment.

There would be no negative impact on the zone plan as the proposed uses already exist and are allowed. The character of the area will be enhanced and the intent of the zone plan is enhanced.

The evidence shows that the Board should act favorably on the variance request as the improvements enhance the area and there are no detriments.

Public: None

Chester: Project will be an improvement and in character with the other recent development in the area

Motion to Approve with the conditions cited by the Bd. Secretary: Chester
Second: Manzella

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
Doug Sheehan	X	
John Zimmerman	x	
Maria Torrisi		
Peter Ventrice (alt)	X	
Jose Madera (alt)		
Tierream Houser (alt)		
Mike Manzella (alt)	X	

C. ANNUAL REPORT OF THE ZONING BOARD OF ADJUSTMENT, Review of the variances granted by the City of New Brunswick's Zoning Board of Adjustment during 2013 calendar year in accordance with NJSA 40:55D-70.1 of the Municipal Land Use Law.

Siegle: The MLUL requires an annual report for the ZBA to make to the Planning Board so they have an understanding of the variances being considered for their planning determinations with the master plan.

**Motion to Approve the Report: Zimmerman
Second: Chester**

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
Doug Sheehan	X	
John Zimmerman	x	
Maria Torrisi		
Peter Ventrice (alt)	X	
Jose Madera (alt)		
Tierream Houser (alt)		
Mike Manzella (alt)	X	

VIII. ADJOURNMENT