

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
MARCH 23, 2015
MINUTES
7:30 p.m.**

I. ROLL CALL

x	Nancy Coppola, Chair
x	John Cox, Vice Chair
	Margaret Chester
X	Sue McElligott
	John Zimmerman
	Maria Torrisi
x	Mike Manzella
x	Doug Sheehan (Alt #1)
	(Alt #2)
	Daniel Chedid (Alt #3)
	(Alt #4)

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. Carly

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS FEBRUARY 23RD, 2015 MEETING

Motion to Approve the Minutes: Cox
Second: McElligott
Approved by unanimous voice vote

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

- A. 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 2014 calendar year in accordance with NJSA 40:55D-70.1 of the Municipal Land Use Law.

Motion to Approve: Cox
Second: Sheehan

	Yes	No
Nancy Coppola, Chair	X	
John Cox, Vice Chair	X	
Margaret Chester		
Sue McElligott	X	
John Zimmerman		
Maria Torrisi		
Mike Manzella		
Doug Sheehan (Alt #1)	X	
(Alt #2)		
Daniel Chedid (Alt #3)		
(Alt #4)		

VI. OLD BUSINESS
a. None.

VII. NEW BUSINESS

- A. RIAZ KARIM, Z-2014-07**, Variance application for the placement of additional concrete in the front yard to remediate a mold situation in the basement located at 71 Juliet Street, Block 320, Lot 16, Zoning District: R-5A

The applicant requested to carry the application to the April meeting as he did not have his planning professional available. Mr. Patterson stated the application would be carried to the April 27, 2015 meeting at 7:30 PM at City Hall. No additional notice will be required.

B. RECON SERVICES, LLC, Z-2014-16, Site plan and variance application for the construction of a multi-family building located between Morrell Street and Ray Street in Block 80 on Lots 10, 11.01, and 21.01, Zoning District: R-5A

The applicant requested the application be carried until the April meeting as the Zoning Board would not have a full contingent of seven members at tonight's meeting. Mr. Patterson announced the hearing for the application would be carried to the April 27, 2015 Zoning Board meeting at 7:30 PM at City Hall, 70 Bayard Street. The applicant will do both personal and public notice.

C. CLYDE AND MICHAEL ROCKOFF, Z-2014-13 Variance application for the construction of a warehouse with ancillary office space located on How Lane and Terminal Road Block 597.01 Lots: 2.01, 3, and 4.01: Zoning Districts: I-2 and C-6

James Clarkin, Esq. – This is a bifurcated application. Only use variance approval is being sought tonight. If approved, the applicant will return for site plan approval. The application is for a mixed use project of office and warehouse space. The offices will only be used in conjunction with the applicant's business. The site is in two zones. A portion of the site includes the outline of a building and parking for a building that was never built. In addition, Lot 4.01 is included in the application. A building exists on this lot. It will operate in conjunction with the proposed new building. There is also an access easement for Lot 19.01, which houses Middlesex County offices. The County is aware of the proposed project.

A portion of the project is in the C-6 zone, where the proposed use is not permitted. The balance of the project is in the I-2 zone, where the use is permitted. A building coverage variance is also requested.

The parking available on the site is less than required per the parking standard, but the applicant will provide testimony that there will be sufficient spaces for the proposed operations.

Michael Rockoff, Principal – Universal Nutrition manufactures nutritional supplements from raw materials. There are no hazardous materials used. Finished products are then shipped out. No noxious odors or noises are generated. The building on Lot 4.01 is used by the applicant for office space. This office space will be moved to the new building and the old space converted to warehouse space. The new building is needed to address additional demand from overseas for their products. The new warehouse is expected to have 5 new employees plus a new office employee.

He feels he has sufficient parking from an operational standpoint and they do not fill the parking now and does not feel they will do so in the future.

Chairman Coppola asked if there were retail sales. Rockoff stated no.

Mohamed El-Hawhat, Engineer

He said he prepared conceptual engineering drawings of the site. He described the existing uses. A new building is proposed for Lot 3, fronting on How Lane. A detention basin will be provided to the rear in the northwest corner of the lot. A total of 85 parking spaces are proposed. The driveway access is through the existing driveway off Terminal Road. There is no access off How Lane.

He stated he would comply with the City Engineer's memo. They will provide the cross access easements if they do not consolidate the lots, though the County and drainage easement will stay. If they are not consolidated, the cross access agreements will be provided.

Mr. Hawhat reviewed the Planning memo and agreed to conform to the memo's recommendations.

Paul Gleitz, Planner

He described the proposal and the buildings are to be situated in relation to the zoning districts. The C-6 zone is for highway-oriented uses, including offices and retail. The proposed warehouse use will be a less intense use than the permitted uses. The neighboring properties included offices and warehouses, plus an Exxon station and a file retail business.

Variances are requested include a D1 use variance for the warehouse use in the C-6 zone; building coverage; and a parking variance on each lot. As a single unit, 132 spaces are required and 85 spaces are to be provided.

The master plan discusses promoting the vitality of the manufacturing base. He said the site is particularly suited for the warehouse use. He cited several goals from the master plan that support the warehouse use at this location.

The 2012 re-exam report continued the goals of the 2004 master plan for this area.

The D1 use variance is supported on the positive criteria as the proposal supports the purposes of zoning, including purpose "g". The location is ideal for warehouse use. Purpose "h" encourages the good flow of traffic. The project does this by providing access to the site without going through residential neighborhoods. The project advances the goals of the master plan and the zone.

The site is particularly suited as it is an infill adjacent to existing industrial uses and the site is not directly on Rt. 27 so it less attractive as a retail development site.

The split of the lot into two zones is a hardship.

As to the negative criteria, there are no negative impacts to public safety as this is a clean use and it promotes two uses of the MLUL. There is no detriment to the zone plan as the proposed use will have minimal impacts and are compatible to the adjacent uses. The site could be rezoned to the I-2 and be consistent with the goals of the master plan.

The existing variances are justified under a hardship standard, as conformance would require demolition of the buildings.

The new variances are justified under the C2 standard. The same arguments that applied to the positive and negative criteria of the use variances also apply here. The coverage variance is supported by zoning purpose "g" as this new space is needed to support the existing business, which benefits local employment. The coverage excess is nominal. The impervious coverage is met by a substantial amount. The benefits outweigh the detriments from the plan.

Public:

Charles Kratovil,

He asked what the building would be used for? Mr. Clarkin stated it would be for nutritional supplement manufacture.

He asked how much parking is being provided and required? Mr. Clarkin stated 40 new spaces are required.

Board Discussion:

Mr. Manzella asked if a traffic report would be provided at site plan. Mr. Clarkin said it would.

Other Board members discussed their support for the use at the location.

Motion to Approve with conditions cited by Mr. Patterson: McElligott

Second: Manzella

	Yes	No
Nancy Coppola, Chair	X	
John Cox, Vice Chair	X	
Margaret Chester		
Sue McElligott	X	

John Zimmerman		
Maria Torrisi	X	
Mike Manzella		
Doug Sheehan (Alt #1)	X	
(Alt #2)		
Daniel Chedid (Alt #3)		
(Alt #4)		

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None.

IX. ADJOURNMENT