

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
JANUARY 25, 2016
MINUTES
7:30 p.m.**

I. ROLL CALL

| | |
|---|---------------------------|
| X | Nancy Coppola, Chair |
| X | John Cox, Vice Chair |
| | Margaret Chester |
| | Sue McElligott |
| X | John Zimmerman |
| | Maria Torrisi |
| x | Ivan Adorno |
| X | Doug Sheehan (Alt #1) |
| | Charlotte McNair (Alt #2) |
| X | Nicole Burgos (Alt #3) |
| | Natalie Azcona (Alt #4) |

| | |
|---|--|
| x | Board Attorney Aravind Aithal |
| | |
| x | Board Secretary/Director of Planning Glenn Patterson |
| x | Principal Planner Mark Siegle |
| | Board Planner Henry Bignell |
| X | Board Planner Todd Bletcher |
| | Board Engineer |
| x | Conflict Engineer Chas. Carly |

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. REORGANIZATION

Nomination and Appointment of Chairperson

Nomination of Nancy Coppola: Cox
 Second: Zimmerman
 Other nominations: None
 Approved by unanimous voice vote

Nomination and Appointment of Vice-Chairperson

Nomination of John Cox: Zimmerman
Second: Cox
Other nominations: None
Approved by unanimous voice vote

Nomination and Appointment of Secretary

Nomination of Glenn Patterson: Cox
Second: Zimmerman
Other nominations: None
Approved by unanimous voice vote

Nomination and Appointment of Board Attorney

Nomination of Aravind Aithal: Zimmerman
Second: Cox
Other nominations: None
Approved by unanimous voice vote

Nomination of Board Planner

Nomination of Bignell & Associates: Cox
Second: Sheehan
Other nominations: None
Approved by unanimous voice vote

Nomination and Appointment of Board Engineer

Nomination of _____: Deferred until new City Eng. hired
Second:
Other nominations: None

Nomination and Appointment of Secondary/Conflict Engineer

Nomination of Delaware & Raritan Engineering: Cox
Second: Zimmerman
Other nominations: None
Approved by unanimous voice vote

Nomination and Appointment of Hydraulic Modeling/Water System Capacity Engineer

Nomination of Hatch Mott MacDonald: Cox
Second: Sheehan
Other nominations:
Approved by unanimous voice vote

Nomination and Appointment of a Traffic Systems Engineer

Nomination of Hatch Mott MacDonald: Zimmerman
Second: Cox
Other nominations: None
Approved by unanimous voice vote

Adopt meeting schedule for 2016 through January 2017

Motion to Approve the Schedule: Cox

Second: Zimmerman

Approved by unanimous voice vote

V. MINUTES OF THE BOARDS DECEMBER 21, 2015 MEETING

Motion to approve: Pg 4 Sheehan vote yes Sheehan

Second: Cox

Approved by unanimous voice vote

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

- A. ELIE KHATER, Z-2015-14**, Site plan and variance application for the construction of a mixed-use building located at 18 Condict Street, Block 50, Lot 22.01 Zoning District: C-3B

Motion: Sheehan

Second: Cox

| | Yes | No |
|---------------------------|-----|----|
| Nancy Coppola, Chair | | |
| John Cox, Vice Chair | X | |
| Margaret Chester | | |
| Sue McElligott | | |
| John Zimmerman | X | |
| Maria Torrisi | | |
| Ivan Adorno | | |
| Doug Sheehan (Alt #1) | x | |
| Charlotte McNair (Alt #2) | | |
| Nicole Burgos (Alt #3) | | |
| Natalie Azcona (Alt #4) | | |

VII. OLD BUSINESS

CONSTRUCTION MANAGEMENT ASSOCIATES, INC Z-2015-09, Site plan and variance application for the construction of a multi-family residential building located at 15 Maple Street, Block 410 , Lot 14.01 , Zoning District: R-5A

The applicant notified the Planning Office that they would not go forward with the hearing tonight due to the Board not having a full complement of members. The applicant will renote with both personal and public notice to reschedule the hearing date.

VIII. NEW BUSINESS

A. CROWN PLAZA, LLC, Z-2015-10, Site plan and variance application for the construction of a mixed use building located at 364 Somerset Street, Block 425, Lot 14, Zoning District: C-2A

James Clarkin, Esq. – The application is for a 4-story mixed-use building with a small amount of retail/office on the ground floor. There will also be parking on the first level with 11 spaces. There will be 24 apartments. The lot contains the remains of a building that was destroyed by fire. The foundation remains. Per DEP rules, this pre-existing footprint has to be reused if a building is to be rebuilt on the lot due to the presence of the adjacent Mile Run Brook. This creates some of the variance situations as the existing foundation determines where the new building goes.

The proposed use is permitted but there is a FAR variance and three bulk variances. There is a parking variance requested, as 52 spaces are required and 11 are to be provided. The applicant will testify as to why this is an appropriate ratio. It is similar to the parking ratio in the applicant's other buildings on French Street. Several waivers are also requested.

A-1 Prior Relevant Application:

Mr. Aithal explained that prior approvals have no precedence for this application. The Board has to judge independently whether this is a similar site.

There is also a subdivision application for the movement of two lot lines. The Corona bar uses parking spaces that overlap onto this lot. The subdivision cleans this up.

Andrew Podberezniak, Architect –

A-2 Building Elevations

The front has brick veneer with different coursing. The parapet will be of a different color. The ground floor has two small commercial spaces on the right, the garage entrance and a small management of the left.

The side elevations have brick veneer for part of the return and then concrete hardiplank and concrete board is used on the lower level.

Small HVAC units will be placed on the roof and will be below the parapet level. The elevator penthouse will extend 1 foot above the parapet.

He described the floor plans as shown on Sheet A-1 as submitted in the application, revised through December 15, 2015. The first floor will have a trash room. The room has been enlarged from the original proposal per the planning comments. The parking includes an ADA-van space.

Each of the upper floors is identical. The unit sizes vary from 850sf to 2000sf

The applicant stated they would agree to comply with the Planning memo comments related to architecture.

Ms. Coppola asked about the use of the parking spaces; is it all for residential. They responded yes as the retail customers are likely to walk.

Brad Thompson, Engineer

The site has the remains of a demolished building; Mile Brook is to the left (north).

A-3 Aerial Photo of the Area

The neighborhood is a mix of residential and commercial uses. On-street parking is available on the streets.

A-4 Rendered Site Plan

The front and rear yards have set back variances. The rear yard variance is exacerbated due to the desire to move the rear lot line to better accommodate how the parking for the adjacent nightclub is used.

There is parking under the building with an ADA space.

The property is in the flood plain of the brook. The first habitable floor is one foot over the 100 year flood elevation. No improvements other than parking are permitted in the flood plain.

Lighting is proposed through 4 wall-mount fixtures that comply with the spillage standards. Landscaping is proposed along the Run. There is no room for landscaping in front of the building.

Patterson asked if there would be bilingual signs about flooding potential in the parking area. The applicant said they could do this.

There is no loading space provided and a variance is needed.

The subdivision involves the rearrangement of lot lines for the lot and the adjacent rear lot and side lot. This allows the existing parking to be allocated to the proper lot. Additionally, along the southwest side the lot line will be moved to provide additional setback.

The applicant stated they would agree to the comments in the Engineering memo.

A conservation easement for the Mile Run Brook will be provided.

Mr. Cox asked what type of retail is targeted. The applicant said that was not known but there will be a chase for venting for a restaurant.

Trash removal will be by private pick up.

Angelo Valatutto, Planner

The site is about 6-blocks from the French/Suydam intersection. The applicant has developed several projects near this intersection. There has been no redevelopment in the subject neighborhood. The area near the subject property is a mix of residential and commercial uses. Many of the buildings are mixed-use.

Variances requested are:

Front yard, which is a half foot, which is consistent with other buildings in the neighborhood. It is also similar to the similar projects developed by the applicant on French Street.

The rear yard setback variance is exacerbated but the division of the land will not reflect how it actually works, which is an improvement.

There is an FAR variance but the project would be nearly in compliance if the lot line adjustment had not been made, which improves the project. The project complies with the coverage standards and he believes the site can accommodate the proposed intensity of development. Additionally, DEP rules require use of the existing footprint, which is a hardship situation. Therefore the variance is justified on both an improved planning argument and a hardship variance.

The height variance is not extensively beyond the height limit for the area. It is a C variance, not a D variance.

The C variances can be granted under a flexible or C2 analysis as the benefits of granting them outweigh the detriments. The fire damaged building will be redeveloped and remove an eyesore. There will also be landscaping improvements along the brook. It is also a fully privately funded project and will enhance revenue to the City. The project will also provide new housing for the city, which is in high demand. This will also be the first significant redevelopment of properties in this area of Somerset Street. It should help catalyze other new development.

There is only de minimus or minor detriments to granting the variances. In balance, the positive attributes of the project outweigh the detriments.

The variances can be granted without impairment to the City's zone plan and zoning ordinance as the variances are de minimus in nature. Similar variances have been granted without detriment.

The ordinance requires 52 parking spaces and 11 are provided. The parking standards are from RSIS, which is a statewide standard and does not account for an urban area like New Brunswick. But RSIS allows for exceptions in Chapter 4 when there are alternatives. RSIS says to look at household characteristics and the availability of alternate transportation. The RSIS standards are excessive for this area. There will also be bicycle racks provided and there is access to transit. The target population for residents are not likely to have many cars. The variance can be granted without detriment to the public good.

Reviewing the Bignell planning report, the applicant stated:

No parking off-site will be used as the lot line adjustment resolves this situation.

The access driveway width of 24 ft is adequate given there are only 11 spaces.

The applicant feels a loading zone is not needed due to the small amount of retail space in the project.

Mr. Patterson asked for detail on the transit access. Mr. Clarkin stated there are buses two blocks away on French and the train station downtown.

Public:

Anthony Larobina:

He asked where the bike parking is located. It was stated it is in the rear of the garage and will accommodate about 8 bikes. Larobina asked for more spaces as they were asking for such a large parking variance.

Larobina asked about the heating/cooling units through the front façade and said they were unsightly. The applicant indicated they would not change the design. The architect stated the roof would not be appropriate for central air units.

Larobina also said the large parking area opening was unsightly.

He asked what the target population of the building was. Francisco Garcia, the principal, testified that it would mainly be Hispanic and likely poor. Rents would be a top out of \$1500 for the larger units. This rent is affordable by the target population in his experience. Larobina says this speaks to the need for more bike parking.

Mr. Larobina asked about the lighting plan. He encouraged there to be more lighting, particularly by the bike parking. There will also be benches outside facing the brook.

Larobina said the building was good but could be better by eliminating the punch through heating/cooling and adding more bike parking.

Charlie Kratovil

Are all the units 2BR? Yes. What is the occupancy? The bedrooms are 120 sf, which is two-person occupancy per bedroom.

Is there any control on the parking area? No.

Kratovil says he has some deep concerns about the project. It could be more sensitive to the location of the brook and flooding. It could be a smaller footprint. He is also concerned about the amount of parking as there could be 96 residents. At \$1500 per month, either overcrowding will be encouraged to afford the rent or the population will be able to afford cars.

He asked about variances on the applicant's other properties. Mr. Kratovil was shown A-1 which described those projects. He asked if parking was charged for? It is not charged for and there is unused parking in those other projects.

Mr. Clarkin said they could find spaced to bring the bike parking total up to 16. He said the heating/cooling units did not dominate the façade. The parking opening cannot go on any other side and they have asked for a waiver to reduce the width. When the entire façade is looked at, it is an attractive whole. The building will meet DEP regulations, a conservation easement is being provided and the site will be about 30% under the allowed impervious coverage.

The parking variance is supportable given the characteristics of the population and the walkability of the city. There is no substantial detriment.

Motion to Approve: Cox

Second: Adorno

| | Yes | No |
|---------------------------|-----|----|
| Nancy Coppola, Chair | X | |
| John Cox, Vice Chair | X | |
| Margaret Chester | | |
| Sue McElligott | | |
| John Zimmerman | X | |
| Maria Torrisi | | |
| Ivan Adorno | X | |
| Doug Sheehan (Alt #1) | X | |
| Charlotte McNair (Alt #2) | | |
| Nicole Burgos (Alt #3) | x | |
| Natalie Azcona (Alt #4) | | |

B. JERSEY CYCLONE BREWING COMPANY, Z-2015-15, Variance application for the use of the existing commercial space for the operation of a microbrewery and tasting room business located at 54 Paterson Street, Block 13, Lot 6.01, Zoning District: C-4

David Singer, Esq. – They will have three witnesses.

Jan Chwieodosiuk, Owner

The use is a small, limited craft brewery. There will be tours, tastings and retail sales. They will do wholesale sales to other licensed premises. The brewery license doesn't permit the sale of food or other alcohol on the premises. There will be a brew house where the beer will be made. A letter was submitted about the hours of operation of noon and 10 PM. The quantity of beer brewed would be 3-9 barrels per week but they hope to grow the capacity. There will be 4-6 taps for serving at the start. The grains for brewing will be purchased locally using a car or pickup truck. The grains will be disposed of potentially to farms for feed using the same car or truck. There will be 2-3 employees due to the small size of the location.

Zimmerman – will beer be sold to local restaurants? They hope so.

Ralph Finelli, Architect

The tenant space is 654 sf of useable space. There will be one ADA restroom. There will be a few tables and chairs for tastings. There will be the brewing apparatus where tours will be. They will modify the façade to enlarge the windows down to street level. There will be identification signage on the front.

Wayne Ingram, Engineer and Planner

They will comply with the D&R report.

The property is in the C-4 zone. The variance is created likely as the type of use didn't exist when the ordinance was drafted. It is similar to a restaurant or a bakery.

Restaurants and bars are permitted. Other cities in NJ have permitted similar facilities

in downtowns. The site is suitable for the brewery as it can be converted easily, it is proximate to many local bars to sell product to and there is no intense truck deliveries or pick ups. The use is consistent with the purposes of the master plan as the aesthetics are improved, it supports other businesses. These positive benefits outweigh the detriments as there are no detriments as the use is similar to what is already permitted. The capacity is only 15 people.

Public:

Paul Breitman,

Ingress egress will be through the existing door.

He expressed concerns about lines to get in the premises and drinking in public.

He asked about licensing. They reviewed the land use, ABC and other licenses.

Peter Heimann,

Are retail sales limited to growlers or can small bottles be sold? At the start there will only be growlers but they may expand to bottle sales.

Anthony Larobina,

He asked about the interior design and supported the project.

Charlie Kratovil,

He supports the project. He asked why the hours were limited to 10 PM.

Paul Breitman,

He asked the hours to be limited to 10 PM for public sales and occupancy. Staff can be there later.

Motion to Approve: Zimmerman

Second: Sheehan

| | Yes | No |
|---------------------------|-----|----|
| Nancy Coppola, Chair | X | |
| John Cox, Vice Chair | X | |
| Margaret Chester | | |
| Sue McElligott | | |
| John Zimmerman | X | |
| Maria Torrisi | | |
| Ivan Adorno | X | |
| Doug Sheehan (Alt #1) | X | |
| Charlotte McNair (Alt #2) | | |
| Nicole Burgos (Alt #3) | X | |
| Natalie Azcona (Alt #4) | | |

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 2015 calendar year in accordance with NJSA 40:55D-70.1 of the Municipal Land Use Law.

Motion to Approve: Sheehan
 Second: Cox

| | Yes | No |
|---------------------------|-----|----|
| Nancy Coppola, Chair | X | |
| John Cox, Vice Chair | X | |
| Margaret Chester | | |
| Sue McElligott | | |
| John Zimmerman | X | |
| Maria Torrisi | | |
| Ivan Adorno | X | |
| Doug Sheehan (Alt #1) | X | |
| Charlotte McNair (Alt #2) | | |
| Nicole Burgos (Alt #3) | X | |
| Natalie Azcona (Alt #4) | | |

IX. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charles Kratovil
 Board should keep in mind that buildings will be here for a long time and shouldn't assume tenants of buildings will not have cars for the life of that building.

X. ADJOURNMENT

Motion to adjourn: cox
 Second: Adorno
 Approved by unanimous voice vote