

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
FEBRUARY 22, 2016
MINUTES
7:30 p.m.**

I. ROLL CALL

	Nancy Coppola, Chair
X	John Cox, Vice Chair acting as chair of the meeting
X	Margaret Chester
	Sue McElligott
	John Zimmerman
X	Maria Torrisi
X	Ivan Adorno
X	Doug Sheehan (Alt #1)
X	Charlotte McNair (Alt #2)
X	Nicole Burgos (Alt #3)
X	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. MINUTES OF THE BOARDS JANUARY 25, 2016 MEETING

Motion to approve: Adorno
Second: Sheehan
Approved by unanimous voice vote

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

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

Motion: Adorno

Second: Sheehan

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

Motion: Sheehan

Second: Adorno

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

VI. 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

Ms. Coppola arrived at the meeting.

Thomas Kelso, Esq – He described the project as a 16-unit multifamily building with three stories. The project will provide 26 parking spaces for the 16 units. D variances are requested for use, height and FAR. Bulk variances are required for the front and side setbacks and coverages. The bulk variances arise from the use variances. There is also a parking variance as 26 spaces are provided whereas RSIS standards require 32 spaces. The building will have modern safety and security systems.

Mitchel Broder, Principal of Construction Management Associates, the applicant:
 He stated his company has a 20 year history of developing projects in New Brunswick and has developed a number of similar projects. He reviewed the scope of the project: 16 units with 26 parking spaces. The parking area will be controlled by the management and will have security cameras. The parking ratio being proposed is higher than similar projects. The will have a new stormwater management system. The project will be marketed to and underserved housing market in the city, working class or workforce housing. The project is designed to fit into the neighborhood and it is hoped it will lead to further neighborhood improvements. They have a track record of managing their projects well. They have a full time property management office in New Brunswick.

Ed Bogan, Engineer

The site is a through lot between Freeman Street and Maple Street. It is 75x200 lot, whereas the zone requires 50x100 for a single family house and 80x100' for a two-family house. The site grading drops from Freeman Street to Maple Street. This allows the Freeman St height to be lower. Stormwater will be collected into an underground system. Water and sewer are available at the site. A-1 Rendered Site Plan

A-2 1st Floor rendered floor plan

The garage has an entrance on Freeman Street with a 24' wide access way. The garage will accommodate two van accessible spaces and has sufficient height to allow for vans in the garage. The cars are all parked under the building. This means all the runoff is from the roof and does not get contaminated running through a parking lot.

He reviewed the D use and height variances and the bulk variances. He said the bulk variances arise from the use variance. The lot width is an existing condition. However, the 1st floor is setback further than the upper floors to allow for 5 feet setbacks at the ground level. He discussed the coverage variances and FAR. Two waivers are also requested for the driveway access width not being 36 feet wide and foundation landscaping on the side of the buildings where there is not sufficient room to provide it.

Ms. Azcona asked who would put the trash out for pickup. Mr. Broder responded that a private firm will pick up the trash and the trash truck people will move the trash out of the building to the truck.

George Sincox, Architect

The Maple St side will have a courtyard in the front and the building will have a lobby entrances. Behind the lobby is the parking garage. The trash room and mechanical room are housed in the garage. He reviewed the upper floor plans, which indicated which units were 1, 2 and 3 bedroom units.

The biggest design issue for the architecture was to fit the building into the character of the neighborhood and be aesthetically pleasing. They did this by lowering the height at the ends of the building and placing most of the building mass in the center of the lot. This allows for the appearance at the street to be similar to the neighboring buildings. They surveyed the adjacent building heights and the proposed heights of this building to get them to be similar in scale. The building will have a front porch that is similar to what is found in the neighborhood.

The exterior is a combination of brick on the frontages and hardiplank on the sides.

The height of the building is 43 feet but at the two frontages the height is about 28-32 feet. The perspective renderings show what the actual building heights will be compared to the adjoining properties. The building was designed to appear of similar scale to the other properties in the neighborhood.

Charles Olivo, Traffic Engineer

The site has frontage on two local roads. There is on-street parking allowed in the area and is generally well utilized. The excess demand for on-street parking is due to the existing lack of off-street parking at properties in the neighborhood. The site is about a mile from the downtown train station and bus center. The site is well located to take advantage of the transit in the city. Census data show that about 40% of residents do not use single occupancy vehicles to commute.

There are 16 units with a total of 31 bedrooms with 26 parking spaces. Each unit will have at least one parking space plus there are an additional 10 parking spaces. The 1.6 parking ratio

is higher than in similar student-oriented projects as this project is located a little farther away from transit and is marketed as workforce housing not student housing. The RSIS standards allow for alternate parking standards and allow for a great degree of flexibility based on local conditions. Their professional experience is that a site like this should have 1-1.5 parking spaces per unit. This project has 1.6. All of the parking demand will be captured in the garage.

In terms of trip generation, about 26 trips will be generated during the peak hour in the PM. Normally level of service is not impacted unless there are over 100 trips generated per hour. This project has much less impact than that.

Paul Grygiel, Planner

The property is very sizable for this neighborhood. The 15,000 sf lot is 3x the size of the minimum lot size for a single family house and about 2x the size of a lot for a two family house. It is also a through lot. The project will develop a new building with modern systems for construction and fire safety. The intention is to have the housing address the needs of people who may be congregants at the church or who work locally. It is sometimes called workforce housing. More parking is proposed for this project than is typically provided for a student-oriented project as this is a different market. The stormwater system and garage parking allow the stormwater runoff from the site to not be contaminated by car byproducts.

He believes the project meets the standards for special reasons and meets both the positive and negative criteria for granting a use variance. In terms of the positive criteria, the project will provide workforce housing and the master plan reexam report speaks to providing such housing. The site is located near job centers such as the hospitals.

The site is uniquely suited for the use due to the large lot size and through nature of the lot. Access to the project is provided from only one side of the project. The project meets several purposes of the Municipal Land Use Law including A: promotion of the general welfare, E: developing at appropriate densities and G: providing sufficient space for different uses including residential. The larger lot size allows for the density to be accommodated.

The negative criteria are addressed by the appearance, which the architect described as breaking up the mass of the building and that it fits the neighborhood character. The new building will provide new, modern systems that are safer. The master plan reexam calls for a diversity of housing choices, which this project provides for the city.

The height and FAR variances arise from the D1 use variances but the testimony has shown the height and density can be accommodated on the site due to the nature of the site and the design decisions that have been made.

The bulk variances are justifiable on a C2 flexible analysis. They are also subsumed in the use variance. The front yard setback for example has a porch to fit in with the neighborhood style, but this reduces the setback. On the sides, adjoining buildings are setback from the sides by driveways. The coverage variances have advantages by allowing for additional parking and collecting the runoff without it being contaminated from a surface parking area. The parking variance has been testified to as being adequate to accommodate the demand.

Peg Chester asked about the intended rents.. Mr. Broder stated they weren't set yet but would probably be about \$1500 for a 1BR and \$1800 for a 2BR.

Public Comment:

Tim Sardellis:

He owns the adjacent property that is a two-family house they rent out. He opposes the variances as presented. The proposal is too much for the site. The FAR is 4x what is allowed.

The coverage is several times what is allowed. The building is too long as the setbacks are not met. The same applies to the width. It is also too high as it measures 43 feet. There are also too few parking spaces.

He said the September 1 traffic report refers to 21 parking spaces not 26. Mr. Kelso explained the plan was updated since then there are now 26 spaces.

Sardellis said all the variances have a negative effect, particularly the height and nearness to his property put a 40 ft wall next to his property. Parking on a good day is difficult and this will exacerbate the problem. There is no provision for visitor parking.

The intent of the R-5A zoning district is to preserve the character of 1 and 2 family units and prevent the development of garden apartments. He asked the Board to preserve the character of Maple Street.

Christopher Coulthard: He owns properties on Maple St and Brookside. He is concerned about sewer capacity at Maple and Brookside as there is a history of backups at the location that require City personnel to unblock the pipes. The problem has not been fixed. He is concerned the large building will exacerbate the problem.

His second concern is that there is no resident permit parking on Maple and Freeman so the new tenants will not be prohibited from parking there.

Frances O'Toole: She is a homeowner in the neighborhood. She expressed concerns and problems about the Westminster Residences that backs up to her property and is owned and managed by the applicant. The tenants there have often been harassing to her and the building creates a lack of privacy on her property. She stated that her house and the four adjoining properties have 29 cars between them, so to say that 30% of the people will not have cars is not accurate. There is a parking problem in the neighborhood. The project is too high, too long and too wide. The neighborhood is made up of single and two-family houses with many homeowners. This project will not help the neighborhood.

Ingrid Hansen: Her concern is that the parking study appears to have been done in August when the students are not in town and the parking situation is different. Mr. Olivo stated that the applicant is not saying that no one will have more than one car but that the number of parking spaces is adequate to meet the demand. The parking problem in the neighborhood is due to the existing properties not having enough off-street parking to meet the current demand.

Sardellis asked if the cars in the garage would be facing out and impacting the adjacent parking. Mr. Olivo said that lights would be blocked by the board on board fence. He also stated that the traffic study had been monitoring the situation on an on-going basis.

Donna Sincavage:

There is no resident parking permits in the neighborhood so the applicant is not giving up anything. Mr. Olivo stated that the proposed project is providing a sufficient number of parking stalls to meet the anticipated demand. The problem is the existing housing not having enough parking and this project will raise the bar.

Tom McCarthy: He expressed concern about the parking and asked if any existing on-street parking would be removed. Mr. Olivo said it would not remove any. McCarthy also expressed concern that there was no permit parking so anyone can park on the street, such as visitors, cleaning people, etc. This is not being accommodated. Mr. Olivo said the project is providing sufficient parking.

Charlie Kratovil:

He asked why the applicant didn't state there was no permit parking when they volunteered a waiver of it. Mr. Kelso said that the waiver was enforceable in the future if permit parking is imposed. Mr. Kratovil argued with the applicant about when they knew there was no permit parking in the area. Mr. Aithal addressed this by stating that the Board was fully aware of the parking permit issue.

Kratovil also said August was not an appropriate time to get parking numbers in the neighborhood as Rutgers is not in session. Mr. Olivo stated that the August references in the report were to the date of the architectural and engineering plan dates and the parking counts were done in September when Rutgers was in session.

Chris Kirby,

Can the Board require there to be permit parking? Mr. Cox replied that the Board didn't have that power and this comes from the City Council.

Mr. Aithal clarified with the applicant that the permit parking restrictions were to be a deed restriction running with the land.

Mr. Sardellis stated that the waiver of the parking permits could not be enforced now as there is no permit parking for the neighborhood.

Ms. Sincavage stated that the new building would loom large from the Brookside perspective. She also expressed concerns about the stormwater running to the Mile Run Brook.

Ingrid Hansen commented that the area was an R-5A area and this building was too large and not in character.

Allan Auciello, resident in New Brunswick and special assistant to the Holy Name Parish. He said his son was the real estate broker on the deal and he got a good deal for the church. The Catholic churches are falling apart and they need to get properties sold to pay bills. He described the problems the parish has had in maintaining the property in good condition due to trash on the site and other problems. The church turned down other offers in order to take this offer. The other offers would have put 3 or 4 single family houses and this would have created a worse parking problem. Another offer was to put a boarding house in the existing building. The neighborhood is nice but the rentals in the neighborhood have an over-crowding problem. The applicant provided a price that was better than anyone else's offer. Their buildings are pristine. He is also a landlord and his 6th St neighborhood is starting to decline. If they did this project in his neighborhood it would improve values in his neighborhood and encourage other investments. He said the church sought to have stable neighborhoods in the community and has worked with community organizations to do this.

The Brothers of Hope religious order is renting space for 9 students at Sacred Heart who take vows to have a silent life. They might rent units in the new building. The Rutgers nursing school may also want to get space. People also want to be next to the church. The project is good for the church and the parish.

Brother Patrick Reilly: He works with the University Parish. They are excited about the project.

Mr. Couthard asked if noise levels would affect his ability to rent his house. Mr. Kelso said local ordinances regulated when construction can take place. He also asked about the occupancy of the building. Mr. Kelso said he didn't think the occupancy would negatively

impact property values. He then asked about the depth of the excavation for the construction. Les Salomon of Construction Management Associates said it would be about 3 feet as there is no basement.

A short recess was held. Ms. Azcona, who is a non-voting alternate at this meeting, left the meeting at this point.

Paul Breitman

He asked if there would be on-site management. Mr. Kelso said it was not on-site but they are located in New Brunswick. Breitman said there was a definite need for additional workforce housing in New Brunswick. The project will provide a new ratable and will benefit the city and the residents. He thinks the off-street parking issue has been addressed by the testimony.

Tom McCarthy

He thinks the project will benefit the neighborhood but is concerned about the occupancy limits being enforced. Mr. Kelso said the total occupancy would be 58 persons. He asked if there were any low income units in the project. The applicant responded there were not.

Charlie Kratovil

He asked about the age and history of the existing building. The applicant responded that it was a large, vacant building with no historic value. Kratovil expressed that a large tree would be lost for the new building but this doesn't mean it should not be redeveloped. He is concerned the project is not a guaranteed success. He expressed concern about the testimony he heard about the nearby Westminster housing. He was also concerned about parking as college students are less likely to have cars whereas this is workforce housing. He also expressed a concern that crime may occur in the parking deck area. Mr. Broder stated that they have not had an issue with crimes in the parking areas in similar projects. Security cameras are to be provided in the parking area. Other security measures in the units were also described.

Mr. Auciello said he has often seen Mr. Kratovil talk at public meetings. He said the project is close to his heart and shame on anyone who throws dirt on the Catholic Church.

Ms. O'Toole asked about the total occupancy. Mr. Kelso said it was 58. She also asked if Westminster's age restriction was also a deed restriction as is proposed here for the parking waiver or was it just a suggestion and she feels harassed by the Westminster tenants. If Westminster has a deed restriction and it is not enforced how will this one be enforced? She reiterated that the proposed project was too big.

Mr. Coulthard asked about the cctv'g of the sewer lines. Mr. Carly described the process and how the City Engineer can require repairs or upgrades if necessary.

Mr. McCarthy asked about the occupancy and who regulates it as that has been a problem. Mr. Kelso said this will be a new, modern project that will be easier to monitor.

Public Comment Closed

Board Discussion

Ms. Chester said she understood the parking concern but felt that residents would park in the garage. Mr. Cox said tenants would know if parking was available or not when they rent. There was also testimony about other houses in the neighborhood not providing sufficient off-street parking and this project would benefit the project. Ms. Coppola also said neighbors should consider approaching the City Council about resident permit parking. Board members also

discussed the cctv requirement for the sewers and sewer issues. Mr. Aithal said part of the review process was to determine that there was adequate sewer capacity.

Mr. Patterson read suggested conditions to attach to any motion to approve the project.

Motion to Approve: Chester

Second: Coppola

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

VII. NEW BUSINESS

None

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None

IX. ADJOURNMENT

Motion to adjourn: Sheehan

Second: Coppola

Approved by unanimous voice vote