

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
MARCH 21, 2016
MINUTES
7:30 p.m.**

I. ROLL CALL

X	Nancy Coppola, Chair
X	John Cox, Vice Chair
X	Margaret Chester
	Sue McElligott
X	John Zimmerman
	Maria Torrisi
X	Ivan Adorno
X	Doug Sheehan (Alt #1)
X	Charlotte McNair (Alt #2)
	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
X	Board Planner Henry Bignell
	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 FEBRUARY 22, 2016 MEETING

Motion to approve: Cox
Second: Chester
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

Mr. Patterson explained that this resolution was correcting certain wording the applicant had raised objections to in the resolution originally approved.

Motion: 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)		
Charlotte McNair (Alt #2)		
Nicole Burgos (Alt #3)		
Natalie Azcona (Alt #4)		

B. 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

Mr. Patterson explained that this resolution was correcting certain wording the applicant had raised objections to in the resolution originally approved.

Motion: Chester
 Second: Cox

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

C. 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

Motion to Approve: Chester
 Second: Adorno

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

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. TRUONG HUYNH, Z-2015-06, Site plan and variance application for the construction of a handicap ramp and the use of the building as a place of worship located at 15 Reed Street, Block 456, Lot 10.01, Zoning District: C-2B

Steven Nguyen, Attorney – the applicant seeks to convert a warehouse into a house of worship. The building has been vacant for several years. The use as a house of worship is an inherently beneficial use as it is a Buddhist Temple. They meet on Sundays in the afternoon.

The surrounding uses are a bank, cemetery, industrial uses and an apartment building across the street. The apartments do not have a driveway on Reed Street. The entrance to the temple is on Reed Street. There are only about 30 members.

Andrew Wu, Engineer,

The property is at the corner of Joyce Kilmer and Reed. There is an entrance easement through the Bank of America for access but they have designed the entrance to not use the easement. There are 16 parking spaces where 15 are required. They are providing a landscape buffer between the parking area and the entrance. The building footprint remains similar.

The project creates no new bulk variances. There is an existing front yard encroachment.

A handicapped ramp is being proposed for accessible access and will conform to ADA standards.

There are two UST's on the site that will be removed. They will be removed before construction permits are issued.

There is wall-mounted lighting on the building. This will also provide illumination to the parking lot. There will not be spillage onto the adjacent property. Mr. Bignell asked for the foot-candles to be shown on the plan.

The existing fencing will be taken down and a new fence installed and it will be on their property with no encroachment on to the adjacent property.

David Jablonka, Architect

The existing building is mostly set up for storage with some offices. It is vacant now. A substantial portion of the building will remain as storage. The bathrooms will be made accessible. The offices will be used as offices but cleaned up. The existing show room will become the prayer room. A second means of egress is being added, thereby eliminating the loading dock.

The storage areas will be used for storage and the temple does not plan to use that space differently. The occupancy is 74 persons, but the congregation is only about 30.

The exterior will not be substantially changed. It will be "cleaned up".

Mr. Aithal asked if there would be planning testimony. Mr. Nguyen said he did not have a planner at the hearing to testify. It was discussed that the applicant is asking for a D1 use variance and that planning testimony is needed to justify the variance. Mr. Nguyen asked for an adjournment after the public comment on the testimony of the professionals in attendance tonight.

Public:
None

The hearing is adjourned until April 18, 2016 at 7:30 PM in City Hall Council Chambers.

B. BCUW/MADELINE CHM I, LLC, Z-2016-05, Site plan and variance application for the construction of supportive needs housing located at 101 Zebra Way, Block 596.10, Lot 9.07, Zoning District: R-6

Steven Hambro, Esq. –

The application is for supportive needs housing on Zebra Way. The project is 12 units in a two-story building. It is located near the high school and the Aldi market. The use is permitted but the project has an FAR variance. There are also bulk variances for lot area, lot depth, rear yard setback and impervious and building coverages.

Eileen O'Donnell, Coming Home Middlesex Exec Director

There are 665 homeless households in Middlesex and 155 homeless households in New Brunswick in the most recent point-in-time count. 17% of the local homeless population is classified as chronically homeless. Additionally, there are hardship homeless. They are addressed through a method called "housing first". She gave an overview of homelessness in the area. The project will have 5 vouchers for the chronically homeless and 7 units with low rents but no vouchers for the hardship homeless.

Leslie Stivale, Triple C Exec Director

Triple C will provide the social services to the project. They support over 250 individuals and families in supportive housing. They developed the 10-unit Promise House on Redmond St. They provide services as well as develop.

The population in such projects have a very low rate of car ownership. The site is near transit options. At Promise House, half the population is fully employed and others are taking classes, but only two individuals have cars. They surveyed their Superstorm Sandy units and also found a low rate of car ownership in that population.

There is a tenant selection process for initial tenants and subsequent tenants. The prospective tenants have to meet the program criteria. Prioritization for tenancy is decided through the Coming Home review process that is based on severity of need. There is no priority for units for homeless from New Brunswick.

William Voght, Engineer

He reviewed the submitted site plan set.

A-1 aerial photo of the area. The site is vacant.

A-2 colored site plan

The site is a triangular shaped lot. A two-story, 12-unit building is proposed. There is a parking area with a one-way access. There is no on-street parking permitted on Zebra Way. One on-site space is handicapped accessible. There are six total spaces.

There is an enclosed trash storage area. The transformer is located on the side of the building.

The lot is small, which creates many of the variances, including for coverages and setbacks. He reviewed all of the variances created. RSIS requires 22 spaces, whereas 6 spaces are being provided.

The two head-in parking spaces are capable of having an SUV make the turning movement to access these spaces as well as the parallel spaces. Pulling out from the head-in spaces requires a slight encroachment out on to Zebra Way. He stated there was sufficient sight distance to allow for this.

Zebra Way has two pole mounted light fixtures to provide lighting to the front of the building. In the rear, the Housing Authority has two pole mounted security lights. Those photometrics were included in the lighting modeling. There will also be wall-mounted lights at the entryways and on the eastern end of the building near the patio.

Sanitary sewer will be extended to the existing manhole at the corner of Oliver and Zebra. For stormwater, there is an on-site detention system.

Trash removal will be by public pick up. Residents will place trash in an 8x12 enclosure. Maintenance personnel will bring the trash cans out to the street. Mr. Bignell asked if this was a large enough storage area for 12 units.

The transformer location has not yet been approved by PSEG. Mr. Bignell is concerned that it is remote from the road for repair truck access. He is concerned that PS will want it closer to the street. Mr. Voght said a pole-mounted transformer might be possible. Final location subject to TAC approval.

Ms. Coppola asked about the adjacent uses to the minimum side yard setback. It is housing with fencing.

There will be no cooking or fires in the patio area.

Michael Scro, Architect

The building will be fully-sprinklered. It is about 28 feet tall. The principal entrance is at the center of the V of the building. There is a bike rack in front of the building. There is a common laundry area. Each unit has individual utilities that are metered. The 1BR are about 725 sf and 1100 sf for the two-bedroom units. There are two staircases to the second floor. There is also an outdoor patio area. There will be security cameras and the entrance may be controlled by security cards.

The trash enclosure is felt to be adequate based on BC UW's experience with other supportive needs projects.

The entire first floor is handicapped-accessible and barrier-free. The second floor is adaptable. There is no elevator to the second floor.

A-3 Perspective Rendering

The exterior is brick and hardiboard with trim highlights.

James Miller, Planner

Variances include a D FAR variance, parking and multiple bulk variances.

The standard for the FAR variance is to show the site can accommodate the building proposed for it. The project will promote MLUL purpose A – promoting the general welfare and G-promoting appropriate uses to meet the needs of citizens.

The site is appropriate as it is in an area of like uses. Multifamily residential is a permitted use. The property is also triangular in shape, which creates issues for developing a building compared to a rectangular-shaped lot. An efficient design for the site causes a violation of the FAR standard. But the site successfully accommodates the stormwater runoff, has adequate utilities and sufficient parking for the population to be housed in the units.

The positive criteria for the bulk variances are the same MLUL purposes as above plus D-adequate air and light. It meets the balancing test as the proposed use of homeless housing greatly overrides the small deviations on the coverages and setbacks.

The parking relief is justified due to the real world experience of other supportive needs housing that shows that 6 spaces is ample for 12 units, particularly with proximity to transit as this site has.

The negative criteria are met as there is a benefit to the public welfare and the project is consistent with the surrounding uses and does not impair the zone plan.

Public:

Charlie Kratovil,

How was the site selected for the use? Mr. Hambro said the applicant owns the site and how they came to it isn't relevant.

Kratovil said Zebra Way was remote from the center of town. What are the transportation options? Ms. Coppola stated there are nearby buses and shuttles. Mr. Patterson discussed how the site was located in the Renaissance 2000 neighborhood that was the subject to revitalization efforts over the past two decades on both the Franklin and New Brunswick sides of Somerset Street.

Are the two-bedroom units for chronic or hardship homeless? Answer: Hardship.

Will there be security deposits for tenants? Hambro stated the applicant will comply with regulations.

What happens after 20-30 years when the affordability controls expire? O'Donnell said there are no plans for use as market rate housing.

Board Discussion:

Chester – the use is very needed and it is a good location near grocery store and transportation. The only concern is the adequacy of the trash area.

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

Motion to Approve with the conditions cited: Cox

Second: Chester

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

C. FRANK & JOHN VITELLI, Z-2015-13, Site plan and variance application for the construction of a structure on the existing property along with the storage of trailers located at 699 Joyce Kilmer Avenue, Block 321, Lot 9, Zoning District: I-1

The applicant did not notice for the hearing after being scheduled so they will not be heard at this meeting. If the applicant decides to move forward with the application, they will have to meet the notice requirements of the ordinance and MLUL.

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None

IX. ADJOURNMENT

Motion to adjourn: Cox

Second: Chester

Approved by unanimous voice vote