

**CITY OF NEW BRUNSWICK  
BOARD OF ADJUSTMENT  
APRIL 18, 2016  
MINUTES  
7:30 p.m.**

**I. ROLL CALL**

X	Nancy Coppola, Chair
X	John Cox, Vice Chair
X	Margaret Chester
X	Sue McElligott
X	John Zimmerman
X	Maria Torrisi
	Ivan Adorno
	Doug Sheehan (Alt #1)
	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 MARCH 21, 2016 MEETING**

Motion to approve: Chester  
Second: Cox  
Approved by unanimous voice vote

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

- A. BCUW/Madeline CHM I, LLC, Z-2015-06**, 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

Motion: Cox

Second: Zimmerman

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

**VI. OLD BUSINESS**

**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, Esq – we have brought a professional planner to complete the testimony for the application.

Les Nebenzal, Planner – The site is located in a mixed-use area. It is adjacent to a cemetery, bank, multi-family housing and industrial properties. The subject property is vacant and has been so for a number of years.

The place of worship is recognized as an inherently beneficial use. Therefore, the proposal meets the positive criteria. The Sica balancing tests applies to the variance analysis. The congregation is small with about 30 worshipers, who only meet on Sunday afternoons. Parishioners car pool and only 7-8 cars arrive for services. It is located in a mixed-use area with little Sunday traffic. There will be no detriment from traffic and the re-use of the building will provide a house of worship in the city. There are no other detriments and therefore no need to mitigate any detriments. Therefore,

when balancing the positives and the detriments, the analysis is weighted to the positives.

Public

Richard Eisenman: this is an underserved community that would benefit from the use.

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		
Doug Sheehan (Alt #1)		
Charlotte McNair (Alt #2)		
Nicole Burgos (Alt #3)	X	
Natalie Azcona (Alt #4)	X	

**VII. NEW BUSINESS**

- A. NY SMSA LP, DBA VERIZON WIRELESS, Z-2015-12**, Site plan and variance application for the installation of a rooftop wireless communication facility located at 37 Easton Avenue, Block 47, Lot 7.01, Zoning District: C-3B

Frank Ferraro, Esq – the applicant seeks to locate wireless antenna at this location to provide better cellular service.

RF Engineer Shawn Handberg –  
A1 – Best server coverage map.

It shows the existing Verizon service areas. He reviewed the existing on-air sites. There is a deficiency in capacity in this area due to traffic demand and high-rise apartment buildings. Verizon’s network is at capacity and will exceed capacity within 4 months. The site will address the capacity of the network.

A2 – Post installation service map

The site is in an excellent location to address where service is needed and at a good height to provide access. The height will be 41' 9", which is the minimum height needed.

The RF emission study showed the antenna will only use 3.9% of the allowed FCC emissions.

A3 – copy of the emissions report

The facility will not create interference and there will be no employees on-site. There is no other way to provide the service without using this facility; and not using it will cause Verizon's network to be unreliable.

Chad Scwhartz, Engineer

The roof top site plan shows the location of the antenna location, which shows equipment cabinets and backup generator. There is a steel canopy over top the equipment. There will be 8 antenna on the roof. The antenna are enclosed in a masking material to blend into the building design. The ones nearest to the street will not be visible from the street due to the enclosure.

Plan D5 shows the building elevation of the bookstore and the proposed "chimney-like" structures to enclose the antenna. The roof top locations were pushed to the locations where they would be least visible but still function properly.

Techs will visit the site about once per month. There is no signage visible from the street. Only regulatory signs are on the roof. The only noise from the site will be from the backup generator, but it will be quiet and not likely to be heard at street level. It is tested once a week. It is tested remotely.

David Karlbach, Planner

A4 – computer simulations of the site.

A use variance is required as antenna are conditional uses unless co-located. There is also a C height variance as the variance is less than 10 feet.

The Board is directed by the courts to use the 4-part balancing test. The issuance of the FCC license is sufficient to meet the need test. The site is also particularly suited for the use as shown by the previous testimony. The use also uses an existing structure. The site accommodates the use with minimal modification. The negative criteria are met as the visual impact issues are addressed by the enclosures of the antenna. This is shown in the computer simulations.

A5 shows a computer simulation from a farther distance back.

A6 shows a simulation from College Ave.

The equipment cabinets will be in the center of the roof and not likely to be seen from the street. The site will not look like an antenna location.

The height of the building will not block views, create shadowing or create other detriments. The site is unmanned so there are nearly no visits impacting the area. There is no appreciable noise or other problematic issues.

The applicant has provided mitigating attributes by concealing the antenna.

The balancing of the positive and the detriments shows the positive greatly outweigh the detriments. It is an essential service with minimal intrusion. It does not contravene the zone plan.

Public:  
None

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

Motion to Approve with the conditions cited: Torrisi  
Second: Chester

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

**B. CONSTRUCTION MANAGEMENT ASSOCIATES, INC, Z-2015-16, Site plan and variance application for the construction of a multifamily dwelling located at 191 Hamilton Street Block 57, Lots 54, 55, 56, and 58, Zoning District: R-5A**

Tom Kelso, Esq – The board is familiar with this applicant and the applicant believes they have a well-designed project for presentation. The project 39 apartment units with 45 parking spaces. The site is an assemblage of properties. It is located in the R-5 area and a use variance is required. There are also an FAR and height D variances. There are also a number of C bulk variances. There is a parking variance also. 75 spaces are required with 45 provided.

Mitchell Broder, Principal

The project will have 39 units with a combination of studio, 1BR, 2BR and 3BR units. It also includes townhome-style units in the front of the building. The mass of the building is pushed to the center of the site. The units will have modern kitchens and bathrooms. Common amenities included professionally decorated common area, professional trash management, and security features. There will also be two outdoor terraces on the site. There will be an 1100 sf gym and lounge.

The concealed garage will have 45 spaces including handicapped and visitor spaces. They will waive rights to on-street parking permits. There will also be a new stormwater management system. There will be a compactor inside the garage. Private pick up means there will not be trash cans put at the curb. There will be bike parking to supplement the car parking.

The target demographic is a blend between the high-rises downtown and the older houses of the area. It will complement the other new housing offerings in New Brunswick. This will be the first significant redevelopment project on Hamilton Street to the west of Easton Avenue. The design will have a traditional look.

They have a hands on development style with the principals on-site. They also have a well-respected management operation. They feel this project is like their first project on Union Street, which started a revitalization of that street that improved that street. The project will provide needed new housing and new tax revenues.

Edward Bogan, Engineer

A1 Existing Conditions Plan Colorized

The parcel is 30,000 sf and 150 ft wide. It is a mix of existing houses and a warehouse. The existing lots are non-conforming. The lots will be merged.

The site is in the R-5A zone. There are D variances requested for use, height and FAR. The site exceeds the standards for lot size, width, and depth. The front yard setback will be 2.7 ft, which is a variance. There are also side yard variances required. The rear yard setback complies. The height is 62 feet where 30 feet is permitted.

A2 – Building Footprint

The height calculation is 62 feet. There are variances requested for building and impervious coverage.

The parking garage will have 45 spaces with 2 handicapped spaces with van accessibility and 3 visitor spaces. There is adequate room for two-way circulation in the garage area. Some of the spaces are outside the building footprint. A board-on-board fence will surround the property. The parking ratio for this project is higher than in other similar projects.

Pedestrian access to the building is from the front.

Loading and unloading can be done from the front of the building for trash pick up.

The project is defined as a minor project by the City stormwater standards. The project will have a 4-tank detention system to pick up runoff that will discharge into Hamilton Street. Stormwater will not be deposited onto adjoining sites. This will improve the quality of the stormwater also as most runoff will be from the roof rather than the current condition, where there are many dirty parking lots where runoff picks up contaminants.

The garage will be lighted by ceiling fixtures. The area will also have cameras. The rear parking lot will have pole mounted fixtures. There will also be flush mounted wall sconces on the side of the building.

Foundation plantings will be provided along all sides.

The proposed side yard condition of 12 feet is an improvement over the current condition. There is also no front yard setback from several of the current buildings.

Ms. Chester asked about the height of the existing warehouse. Bogan said it was about 12 feet high.

Ms. Coppola asked if the security cameras were monitored. Mr. Broder said they were recorded.

Ms. McElligott asked about how trash pick up worked. The applicant responded that the truck will come to the site, then the trash will be wheeled out. Pick up is usually in the morning after the peak traffic hours. The applicant agreed to schedule pickups at non-peak traffic times.

Steven Schoch, Architect

A3 – aerial photo of the neighborhood

The streets in the area are angled and this creates for very deep lots. This allows for the site to accommodate greater density.

A4 – Rendered version of the ground floor plan

The footprint on the ground level is minimized as behind the rear of the streetfront building is the parking area. The front has 3 features: main common lobby entrance in the center, and two duplex, townhouse-style apartments that are accessed directly from the street. This creates a streetscape that is similar to the other buildings in the area.

A5 – 2<sup>nd</sup> and 3<sup>rd</sup> floor plan

The 2<sup>nd</sup> floor plan is a large plate of the overall building width. The 3<sup>rd</sup> floor plan is narrower so that the mass of the building is pushed to the center. This creates east and west terraces that are accessible to all tenants of the building.

The applicant has converted a unit into a gym/lounge area to provide enhanced amenities.

The 6 units that face the terraces have patio doors facing the terraces.

There are a mix of unit sizes.

The 2<sup>nd</sup> and 3<sup>rd</sup> floor units are flat units and are all accessible/adaptable.

A6 – 4<sup>th</sup> and 5<sup>th</sup> floor plans

These floors are narrower still. These are duplex units. The units are only accessible from the 4<sup>th</sup> floor. The 5<sup>th</sup> floor is only accessible from the interior of the 4<sup>th</sup> floor units. There are 6-8 different unit styles so the project can address many different housing needs.

A7 – Rendered Perspective from Southwest

The rendering shows the actual heights of the neighboring buildings to the proposed buildings. The massing along Hamilton Street with the townhouse units has a height of only 31 feet, which is lower than some of the adjacent buildings. The building then steps back from the street front before the building rises to the higher floors.

A8 – Rendered Perspective from the Northeast

The adjacent building is over 40 feet, which is higher than the proposed building's front massing. The 62 feet height is only in the area pushed back from the street and in the center of the lot.

There is a common laundry on each floor near the elevator. The ground floor townhouses will have their own laundry facility in the unit.

There is a trash room located near the elevator. A trash chute leads to a compactor.

The building will be fully fire suppressed. This is much safer and more energy efficient than the existing housing in the neighborhoods.

Ms. McElligott asked if there is emergency egress for the handicapped units. Schoch said the code requires an accessible means of egress that can be provided through a refuge on the stairwells.

Ms. Coppola asked about access to the lobby elevator from the parking area. Schoch said there was an access from the parking area.

All 2<sup>nd</sup> and 3<sup>rd</sup> bedrooms have 119 sf of area to allow only single occupancy

Charles Olivo, Traffic Engineer

There is a 2hr parking limitation for on-street parking on Hamilton Street. The other side streets have residential parking restrictions. There are 39 apartments and 45 spaces provided. The RSIS standards call for additional parking based on their statewide standards. But RSIS allows for local situations to guide the parking provided. There is transit nearby at the train station and bus routes. There is also a lot of pedestrian traffic in the area.

The garage ingress movement is aligned to the mouth of High Street to reduce conflicting movements.

A site of this size, based on ITE standards, equates to about 39 trips during the peak hour. The ITE standards suggest that trip generation of over 100 trips starts to impact traffic service and this project is substantially below this standard.

There are 3 existing driveways that will be removed and replaced with 2 driveways that function as an ingress/egress pair.

He believes the parking provided will meet the actual demand.

Keenan Hughes, Planner

The City's master plan identifies a need for a full spectrum of housing choices including non-student housing and the revitalization of older neighborhoods in ways that are complimentary. This project does this.

The mix of units will attract a mixed rental population. The walking distance to local employment centers such as RWJUH is only a block and it is near Rutgers and the downtown. It is an appropriate place for one-car households.

The lot is particularly suitable due to the size of the lot that is 6x the minimum required. It is also in a mixed-use area with a small commercial zone across the street. This commercial area has vacancies that this project can assist fill.

Purpose A of the MLUL is advanced, as well as Purpose E and Purpose G.

The negative criteria are addressed by the sensitive design. The garage parking improves the visual appearance. The massing towards the center mitigates the impact of the density.

The reexam report noted there should be a variety of housing choices. This is a uniquely large lot in this area. The height and FAR variance arise from the use variance as the standards are for a single-family neighborhood.

The project will not have significant negative impacts on surrounding properties. When a larger lot can be assembled it is appropriate to increase the density. The design advances Purpose I of the MLUL.

The setback variances also arise from the zoning for single-family homes. The proposed setbacks align with the neighboring properties to the east. Only the first story is within the front setback area with the higher stories set back behind the setback. The rear setback complies. The current warehouse goes to the rear property line. The same rationale apply to the FAR variance.

The parking variance arises from the statewide RSIS standards and towns have the ability to advance changes to that standard. The town has to look at whether the use is to be auto-centric or a more pedestrian/transit oriented area. However, there are also 3 public parking decks near the site.

There is no detriment to the public good from the project from the parking variance.

Public:

Richard Eisenman – he feels the characterization of the area as unsightly is unfair. He wants to see a front on elevation of the site. He feels the parking is inadequate. He feels the project is too dense.

Mr. Schoch showed the building elevation from the submitted plans.

Ms. McElligott asked if Eisenman lived there as he mentioned renters. He said he did not live in the area any longer and rents the house.

Alejandro Pioroni,

He lives at 15 Mine Street, which is next to another project by the applicant and they had a dispute with their initial plan on Mine St. However, the Mine St. plan was amended to address their concerns. This plan similarly addresses those types of concerns. He feels projects like this will improve property values.

Paul Breitman

He supports the project due to the need for additional housing in the New Brunswick for working class people. Hopefully, the project will encourage similar projects.

Jazz Massoud,

He owns several properties in New Brunswick and he feels the traffic issues have been addressed by the on-site garage. He feels the project will be secure. The applicant has an excellent record of accomplishment with similar development. He urges approval.

Edward Kachoczeski,

He is a union construction electrician. Projects like this create new construction jobs. These modern buildings are much safer than the existing housing with fire suppression and emergency lighting.

Michael Sisler,

He grew up in New Brunswick and owns other real estate include 4 rental houses nearby on Hamilton Street. He is a competitor but he has seen little investment on Hamilton Street, especially west of Easton Avenue. This is a major improvement to the neighborhood and hopefully will spark a trend. This project has a variety of housing styles, which makes it a good addition that he welcomes.

Dave Adams,

He has lived in News Brunswick and owns many properties in New Brunswick. Hamilton Street and Easton Avenue need new investment like what the City has experienced downtown. He owns a property that abuts this project and he wants to see this investment. He feels the applicant has a good record of developing similar projects.

Pierre Chedid,

He also supports the project. He is a real estate agent in town and owns property. He supports development such as this. He has clients looking to rent who only have options for student housing or downtown high rises. This option will diversify the city.

Board Discussion:

Ms. McElligott asked about the price intention. Broder said the intention is to be about 20% lower than high-rise rents.

Can the trash be picked up before rush hour? Broder said he would seek to do this but added that there is room in front of the building for the truck to pull in.

She added that she was very impressed with the design and how it minimizes the impact of the height.

Mr. Cox said he grew up across the street and feels those buildings in the area have not been improved and this is a big improvement

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	X	
John Zimmerman	X	
Maria Torrisi	X	
Ivan Adorno		
Doug Sheehan (Alt #1)		
Charlotte McNair (Alt #2)		
Nicole Burgos (Alt #3)	X	
Natalie Azcona (Alt #4)		

**C. CLYDE AND MICHAEL ROCKOFF AND DAMALI PROPERTIES, LLC, Z-2016-04,**  
Site plan and variance application for the construction of office and warehouse space located at 3 Terminal Road , Block 597.01, Lot 2.01, 3, and 4.01, Zoning District: C-6 and I-2.

James Clarkin, Esq. –

This is the 2<sup>nd</sup> half of a bifurcated application for which the Board granted use and coverage variances. This application is for site plan approval and a small parking variance.

All 3 lots will be consolidated. The warehouse will have 62,000 of storage and 16,000 sf of office. There will be about 6 new employees plus about 50 existing employees.

Michael Rockoff, Principal

Universal Nutrition manufactures vitamins and supplements. They are expanding the business. The existing building will continue to house manufacturing and the new building will be mainly for warehousing. The number of employees will increase from 50 to 56. Only about 70% drive to work, or about 40 employees.

Mohamed El-Huratt, Engineer

He reviewed the existing lot conditions. He then reviewed how the new building would be located on the site and how the three buildings work together. There is also a stormwater detention basin.

Lighting improvements are proposed on the new building on the east side. There is no spillage off-site.

Landscaping is provided along How Lane.

Trucks will be able to travel through the site as shown on the turning movement template.

The applicant addressed the issues in the Board engineer's memo. A stormwater maintenance agreement will be provided to provide to allow the City to lien any costs if they have to maintain the basin.

The applicant will agree to the comments in the Bignell planning report.

The parking variance is justified under a C2 analysis. The benefit to the City of the variance is it will reduce impervious surface and will meet the need for the parking demand. The benefits outweigh the detriments.

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

Motion to Approve with the conditions cited: Zimmerman  
 Second: Torrisi

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

**VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC**

None

**IX. ADJOURNMENT**

Motion to adjourn: Cox

Second: McElligott

Approved by unanimous voice vote