

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
JUNE 27, 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
	Maria Torrisi
X	Ivan Adorno
X	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
X	Board Engineer Richard Moody
	Conflict Engineer Chas. Carly

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)**III. SALUTE TO THE FLAG****IV. MINUTES OF THE BOARDS MAY 25TH, 2016 MEETING**

Motion to approve: Sheehan

Second: Chester

Approved by unanimous voice vote

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

A. 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 Rd., Block 597.01, Lot 2.01, 3 and 4,01, Zoning Districts C-6 and I-2

Motion: Zimmerman

Second: Cox

	Yes	No
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)		
Nicole Burgos (Alt #3)	X	
Natalie Azcona (Alt #4)		

VI. OLD BUSINESS

VII. NEW BUSINESS

- A. 96-100 Bayard Street Associates, LLC, Z-2016-01, Site plan and variance application for the construction of a multifamily residential building located at 96-100 Bayard Street, Block 20, Lot 6.02, Zoning District C-4

James Clarkin, Esq, the applicant seeks approval for a 10-story building for multifamily use. The building has been vacant for 6 years and the current configuration does not lend itself to modern use. The building previously had an approval for residential with less parking than is being proposed tonight. The units are a mix of studio, 1BR and 2BR units. Both 96 and 100 Bayard are owned by the applicant and are physically connected. The parking is on both addresses. The parking will increase from 48 to 54 spaces and 15 will be dedicated to residential tenants. The applicant also has communicated with the NBPA, which has advised that off-site spaces are available at the Morris St. deck.

The use is a conditional use but the proposal does not meet all of the conditions, including parking, density and height.

Given the size of the lot, 32 units are permitted and 36 are requested. While a parking variance is requested, 20 bike parking spaces will be provided under cover as a mitigation.

The applicant seeks young professionals as tenants not Rutgers students. The rent structure is targeted to an upscale market, e.g., \$1700 for a 1BR and \$2300 for a 2BR.

Ari Beher, property owner. He has owned the property for 12 years. He previously received an approval on the site for 25 units. The new proposal is to market 1BR at \$1700 and 2BR at \$2300. The on-site parking will be supplemented by 6 off-site spaces at the NBPA New Street Family court deck and 4 at the Wellness Center deck for residential tenants.

Trash and recycling would go through a chute to a compactor where a private contractor will pick it up.

Mr. Patterson asked how the NBPA passes would be monitored so that we could be certain that they are still available. Mr. Clarkin stated they would provide a written agreement with NBPA for the passes and provide it to Board counsel for review.

Thomas Potter, Archt –
A-1 Colored Rendering

The building is 10-stories tall. There will be no basement.

The building is setback as required by the design standards. The floors above floor 4 are setback to comply with the skyplane setback.

The building design and height is compatible with nearby buildings. The articulation of the building preserves light and scale. The proposed balconies are similar to other downtown residential buildings, as are the materials used on the building exterior. They will use a combination of brick, precast and glass. The design is based on input from the City's technical staff.

The side facades will use similar brick materials. The rear is similar to the front, including the balconies. The east façade will have no building openings due to fire code. The applicant suggested they would like to work with the City on doing a mural on the wall.

The building first floor will have trash, bike storage, fitness room and lobby. The upper floors will have residential units. The building will be fully sprinklered.

Sheet A-1.2 floor plan showed the location of the trash chutes and their alignment with the trash collection area on the 1st floor. There will be 8 “dumpers” in the trash rooms. Trash will be picked up on Joyce Kilmer Ave. The dumpers are watertight. Ms. Chester asked about the pick up time. The applicant will provide a letter from their private carter about pick up times

Steve Parker, Engineer

The current building is a three-level building with half basement. The building will be demolished and the proposed 10-story building will replace it. There is a 0' front

setback. Parking is provided at grade level through a shared parking arrangement with 100 Bayard, with access off Bayard Street. There will be 55 spaces. There will also be 20 spaces in the building plus 2 covered bike racks in the parking area. The outdoor bicycles would be targeted towards the office workers.

The parking area has existing lighting, plus additional lighting will be added.

There is little room from landscaping, but there will be some to screen the transformer. The applicant would also like to obtain Council approval for planters in the ROW.

15 spaces will be exclusively reserved for residential parking.

Mr. Parker reviewed the D&R Engineering review memo. D&R expressed concerns about the ability to circulate due to the narrow confines, but it is an existing condition. A compact car restriction could be provided.

The building support columns are currently protected by concrete buffers. It was suggested the concrete buffers be protected with a cushion material to protect cars that might bump into them.

All the rooms will be handicapped adaptable and will be on accessible routes.

There is no building signage proposed at this time other than the address number.

Facade lighting is provided by soft indirect lighting under the balconies. LED fixtures are used.

Ms. Chester asked how building entrance security would be provided. Mr. Bher said there would be a card access system. Visitors would use a video intercom system to announce themselves.

Bruce Rydel, Planner

Variances are requested for conditional use, height variance, and parking.

The conditional use variance is required as high-rise apartments are allowed if conditions are met. The height maximum is 6 stories, whereas 10 are proposed. The maximum density is 50/du per acre, whereas 57 is proposed. The parking standard is 35 spaces and 25 spaces are proposed. The other conditional use standards are met.

The basis for the conditional use variance is the Coventry Square test. The site is capable of handling the proposed height and density. The setbacks are met at ground level and as the building rises. The other bulk criteria. The parking proposed exceeds the ratios approved on other similar projects by the Board. The property is close to the train station.

The height variance is approvable under a C2 standard. He felt there would be no detriment to granting the variance as the height is similar or less than several other downtown residential buildings. The benefits substantially outweigh the detriments as there are no detriments.

The density variance is also justified under the same C2 analysis.

The parking variance is justified as New Brunswick's downtown is designated as a transit village due to the transit services available. The City is also very walkable. Bikeways have been marked out in the area. The Bloustein walkability study discusses the walkability of downtown. The applicant is providing bike parking.

The negative criteria can be met as there will be no substantial damage to the City's zone plan. There will be no detriment to the public good. The parking variance is the one with the most detriment but experience with similar variance requests has borne out that such variance approvals do not have a detrimental impact.

The applicant reviewed how they would comply with the Bignell Planning memo.

Public Comment:

Charlie Kratovil – What impact will the demolition and construction have on 100 Bayard Street. Mr. Clarkin said the adjacent buildings will be protected and a plan will be approved by the Construction Official.

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

Motion to Approve with the conditions cited: Chester

Second: Cox

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

B. 195 Easton Avenue, LLC, Z-2016-02, variance application for the construction of a fire escape located at 195 Easton Avenue, Block 79, Lot 8.01, Zoning District C-3B

The applicant has requested to postpone the hearing on the application as the applicant's professionals have not had an opportunity to discuss the need for the fire escape with the Fire Subcode Official. Mr. Patterson announced that the application would be heard at the July 25, 2016 Zoning Board meeting to be held at City Hall

Council Chambers at 78 Bayard Street, New Brunswick. No further notice shall be required.

C. Abdel Elgandy, Z-2016-03, Variance application for the construction of an addition located at 145 Townsend Street, Block 151, Lot 17, Zoning District R-5A

Louis Marchetta, Esq. – the applicant seeks to construct a 2-story addition to an existing building and three variances are required: FAR, parking and building coverage.

Abdel Elgandy, owner

He has owned the property for 10 years. It is a 2-story building with one unit having two bedrooms. The addition is a small addition to both floors to comply with code requirements. The existing stairs are small and narrow. The City code official said the stairwell needed to be widened in order to be safe.

The project will not increase the occupancy of the house. There is no off-street parking as there is no room for a driveway as it is a 25 ft wide lot.

Ms. McElligott asked about the current and proposed occupancy. There are two tenants now. Mr. Patterson also asked if the occupancy would increase with the addition of a bedroom. Mr. Marchetta said the occupancy would be 5 or 6 persons based on whatever the housing inspectors allow. The occupancy appears to be 5 persons now.

Robert Wanthouse, Archt

The property was probably built in the late 1800's. After a fire, the fire official suggested that the stairs were too narrow. There were also issues with ceiling heights and water damage. The project will add a new bedroom, eliminate an existing bathroom and add two new bathrooms.

The stairway width was less than the code requirement of 34 inches. The new stairs will be 36 inches wide. This will improve safety. Additionally, the risers will be made at all the same height, which they are not currently.

Justin Auciello, Planner

A-1 Aerial Neighborhood Photo

The building is currently non-compliant is an existing condition that will be exacerbated slightly.

The FAR variance approval standard is whether the site can handle the additional density. FAR is used to prevent an over-use of the property. In this case, the addition is to the rear of the building, there will be no change to the setback plane on the streetfront and the rear setback is compliant, though somewhat farther back than adjacent buildings. The building will not be overly massive. The building will still be consistent with the buildings in the neighborhood.

The coverage and parking variances are justified under the C2 standard as the improvements outweigh the detriments. The purposes of zoning will be advanced as the general welfare will be improved as the safety of the building will be improved. The surrounding buildings will be better protected as the building will have more modern facilities.

With respect to the negative criteria, there will be no detriment to the public good and the City's zone plan will not be impaired. The use will continue to be compliant as a single family house that will be in a safer condition.

There is no parking currently and the addition will not exacerbate the condition as the occupancy will not change substantially.

The new vinyl siding will approve the aesthetics of the property.

There are no detriments to the granting of the variance.

Public Comment:

___ Valerie, adjacent property owner

The density in the neighborhood now makes it difficult to find a parking space in the evening. There are only 4-5 feet between his and the applicant's property and is concerned about how construction will occur. Green space will be less. There is a tree on the Valeri's property that provides shade and will need to be cut down.

The block has too many tenants now and it could turn into a rooming house.

Mr. Seigle asked if the stairs could be made safe without adding the addition? Mr. Wanhouse said the bathroom with inadequate headroom requires replacement also and the new floor plan allows for a better location for the stairs. The stairs are the catalyst for the project.

Mr. Marchetta said Mr. Valeri's comments were more about the general state of the neighborhood, not Mr. Elgendy's property or tenants in particular.

Mr. Elgendy said he is willing to construct a fence if Mr. Valeri would like one. He said he is at the property every day and has not heard of complaints from Mr. Valeri,

Mr. Patterson asked if the applicant was willing to limit the occupancy to the current occupancy. Mr. Elgendy said he would do this as a mitigation of the parking and FAR variances. Mr. Aithal suggested it be a deed restriction and be cited in the lease.

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

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charlie Kratovil, why were there two engineers and what is the process for who handles which application.

Mr. Patterson and Mr. Moody discussed the policy.

IX. ADJOURNMENT

Motion to adjourn: Zimmerman

Second: Cox

Approved by unanimous voice vote