

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
SEPTEMBER 26, 2016
MINUTES
7:30 p.m.**

I. ROLL CALL

X	Nancy Coppola, Chair
X	John Cox, Vice Chair
	Margaret Chester
X	Sue McElligott
X	John Zimmerman
	Maria Torrisi
X	Ivan Adorno
X	Doug Sheehan (Alt #1)
	Charlotte McNair (Alt #2)
	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
X	Conflict Engineer Charlie Carley

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS AUGUST 22, 2016 MEETING

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

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

A. 195 Easton Avenue, LLC, Z-2016-02 Variance application for the construction of a parking variance on the property located at 195 Easton Ave, Block 79, Lot 8.01, Zoning District C-3B

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

VI. OLD BUSINESS

A. 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 – Reconsideration of Condition Imposed at Time of Approval

Louis Marchetta, Esq. stated that the application is asking the Board to reconsider two conditions they placed on the approval of the application. The house is currently legal for four persons per the most recent three-year inspection certificate from the City. The Board held a hearing on the application and approved a parking variance with conditions limiting the occupancy of the house to four persons and requiring a deed condition memorializing this. The applicant feels the conditions are overly burdensome. Marchetta stated there are more effective ways to control parking, e.g., through residential permit parking that already exists in the neighborhood. Mr. ElGandy’s tenants do not currently have any cars. The concern for overcrowding can be managed through the City’s regular inspections. The zoning staff does not regularly compare occupancies to deeds, so it is not an effective means to control occupancy. The Board should not impose such a permanent restriction, through the deed, to address issues related to parking and overcrowding.

He stated a deed restriction on occupancy is against public policy as it could force a young family to move if a child “ages in”. The deed restriction is rigid and would not follow regulatory changes if the City changed the occupancy standards in the property maintenance code.

Abdel ElGandy stated that the restriction was overly burdensome to him.

Mr. Aithal stated that the applicant needs to show that there was fraud or new information for the Board to reconsider. He said the applicant hasn’t said what occupancy they are seeking.

Public:

Albert Valeri, neighborhood

He said he thought this issue was settled at the last meeting and that Mr. ElGandy had agreed to the restrictions. He now wants a variance on his variance. He feels this will lead to further occupants in the neighborhood. He wants to enjoy the peace and quiet of his property without overcrowding on the adjoining property.

Charlie Kratovil,

Residential parking permits are not required in the neighborhood where this property is located and there is no new information for the Board to consider.

Public Section Closed

Mr. Patterson reviewed some of zoning and property maintenance regulations and inspection procedures used by City staff to regulate occupancy of houses.

Mr. Cox said he did not see any new evidence

Motion to deny the reconsideration of the conditions: Cox

Second: Zimmerman

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

VII. NEW BUSINESS

EASTON CROSSINGS, LLC, Z-2016-10, Site plan and variance application for the construction of a multifamily residential building with ground floor office space located at 185 Easton Avenue, Block 76, Lots 5.01, 7.01, 11, 11.01, 12, 13, and 14.01

Tom Kelso, Esq.

The application is for a 7-level multifamily building with 44 units and 44 parking spaces. The majority of the site is in the C-3B zone and it is a permitted use. While a small portion of the site is in the R-5A, the C-3B standards apply. FAR and height “d” variances are requested. Additionally a series of bulk variances for front and rear yard setbacks, building coverage are requested, as well as a parking variance. There is also a variance due to the driveway being less than 50 ft from the intersection, at 44 feet.

David Adams is the managing member of the LLC, with a family trust owning 98% of the LLC.

David Adams, LLC managing partner

He stated he has been renovating and renting for the college market for the past 25 years. They manage 22 properties. They have taken time in designing the building to improve the neighborhood and increase investment in the neighborhood. A-1 CGI rendering.

Each unit will have a washer/dryer and a high standard of finishes. A gym is provided for the tenants. Parking is provided underground. Security cameras and lighting are provided.

Ed Bogan, Engineer,

A-2 rendered existing site plan

He described the existing buildings and conditions on the site and neighborhood. Three existing buildings are to be demolished. There are four existing driveway entrances.

A-3 rendered proposed site plan

The footprint is 12,000 sf approximately. There will be offices fronting Easton Ave, with parking in the rear and underground. Apartments will be on the upper floors. There is only one access point, off Wyckoff Street. The other driveways are being eliminated.

He reviewed the setback and coverage variances and how they differed from the City standards. He noted that by definition, the site has three front yards, one rear yard and no side yards. The building height is 76 feet. They meet the impervious coverage standard, but are over on the building coverage. The driveway on Wyckoff is 44 ft off the intersection, which is less than the 50 ft standard. However, it is on the least traveled street and allows for the elimination of other driveways.

RSIS and City zoning require 93 parking spaces, whereas 44 spaces are provided. There are two parking levels with 15 at grade and 29 spaces underground.

No loading zone is delineated, but the 17 ft wide side driveway on Wyckoff allows for trash/recycling pick up. Trash is taken to the roadway in dumpsters to be placed in the truck. This driveway can also be used by tenants for move in/move out.

Stormwater runoff is captured in piping and goes through a detention system.

The garage area includes a protected bicycle parking area for 16-24 bicycles.

No street trees are proposed on Easton Avenue as the County has discouraged trees along their right-of-way. Street trees are proposed on Morrell and Wyckoff. There are also foundation plantings along Morrell.

Ms. McElligott asked about the building access points and how does someone move in furnishings. She also asked about how trash will be brought out to the curb. Mr. Bogan said he believed it would be done by building staff with private pick up.

George Sincox, Architect

The building is intended to be an upscale building attractive to professionals who work in the neighborhood. The ground floor area has a public plaza, an office for building management and another office to be rented. There are two elevators, with one sized to handle a gurney for emergencies. The units are all adaptable for handicapped accessibility.

The refuse area is recessed at the rear of the side driveway. Tenants place trash into chutes that drop to a compactor. This trash goes to dumpsters that are picked up. There is an emergency generator for power outages. Floors 2-5 have a common floor plan. There are a combination of one and two-bedroom units on each floor. The top floor is similar but has a gym in place of a one-bedroom unit.

Heating and cooling is provided through PTAC units and are designed to be part of the architectural design.

The exterior will have two colors of brick plus metal finishes.

Charles Olivo, Traffic Engineer

They inventoried the surrounding road system to analyze traffic impacts. The site currently has four access points with two on Easton, one on Morrell and one on Wyckoff. This will be consolidated to one on Wyckoff. He agrees the variance for the driveway offset is justified as it is located on the least travelled street. This takes much of the car/pedestrian conflicts off Easton, which is a well-travelled pedestrian street.

The office and residential uses are complimentary for shared parking of spaces.

The number of units and office square footage is well below the level that would have a significant impact on traffic in the neighborhood. There are only 31 trips at the peak hour. There is public transit nearby and the neighborhood is very walkable. 42% of New Brunswick residents do not commute by single-occupancy vehicle and just over 30% of the population does not own a car. The project is in a neighborhood where car ownership is not necessary to live.

The RSIS standards for parking a statewide standard that allows for alternative parking standards in neighborhoods that are walkable and have access to public transit, such as this one. The project has a 1:1 parking ratio, which is similar to several other projects in the area where the ratio has worked well. He believes the project provides adequate parking for a project of this size in this neighborhood.

Ms McElligot asked what the impact would be regarding traffic on the nearby Lincoln School. Mr. Olivo said the area was well signed and striped for pedestrian movements. He said building driveway access is recessed from the sidewalk to provide good visibility of the sidewalk area when exiting.

Keenan Hughes, Planner

The C-3B zone standards apply and the use is conforming. The site currently is developed with a surface parking lot fronting Easton Avenue. This is an underutilization in this area. The master plan and reexam both recommend mixed-use development in this corridor. In 2012, the NJTPA conducted a study that concluded that the St. Peter's Hospital area should be developed as a transit-oriented node for residential development. Therefore, this location is

appropriate for the additional FAR and height. The plaza helps activate the streetscape. The ability to consolidate smaller lots into a larger lot makes this an opportunity to advance purposes a, e and i purposes of the MLUL.

The negative criteria are addressed as exceeding the FAR and height allow the building to provide underground parking, which is an aesthetic improvement. The building height is similar to the heights at the nearby hospital. The materials and massing mitigate the visual appearance of height. The building is also setback from nearby buildings and there is a street separation on three sides. The three frontages make it difficult to provide the standard 15 ft setback on all three sides, but it is provided on the Easton frontage. The rear yard, which functions as a side yard generally has a 5 ft set back except for one location. The bulk variances meet the C2 standards of not having detrimental impacts.

The parking area provides a shared parking opportunity. There is also bike parking provided.

Mr. Patterson and Mr. Kelso also discussed that the removal of the surface parking lot creates a parking variance for the Boylan funeral home and that the applicant will condition the issuance of building permits for this project on the completion of new parking for the funeral home to bring their parking into compliance.

Public

Charlie Kratovil,

He asked what the rents would be. Mr. Adams said they would be similar to other market rate apartments in the area.

He asked if there were crosswalks and that the area should have improved pedestrian safety.

The developer stated they will not be applying for a tax abatement.

He asked if car share would be provided and limits on the number of parking permits provided.

David Weinbeger,

He asked about the total number of bedrooms. It was stated it would be 79. He asked if this was adequate for the parking as he does not think it is.

Mr. Kelso said there was no specific visitor parking spaces.

Diana Costello,

She is concerned about the parking provided but likes the project otherwise. Mr. Bogan said the elimination of the curb cuts might create more parking spaces on street.

Tim Kelly,

He owns a business across the street. As buildings like this have gone up, he was scared to death, but has seen the parking situation get better than it was. It is not perfect but its better.

Nick Komandis,

He owns two business in the area and lives nearby. He supports projects such as this. A managed property like this has the trash and litter picked up regularly, and property is maintained. It is good for his business. He agrees that parking is actually getting better.

Mitch Broder,

He owns similar buildings and agrees that such buildings change the feel of the neighborhood. They are managed so that litter is picked up and problems fixed. He supports the project.

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

Motion to Approve with the conditions cited: Cox

Second: Sheehan

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

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

Mr. Kelso, Esq.

The application is for site plan and variances to provide for trailer storage. A use variance is required. The applicant has discussed offsets for the application that they will agree to if the application is approved. Mr. Kelso recited these conditions.

1. Annual payment to City of \$10,000 annually to defray municipal service costs. Payments are to be payable on the day quarterly property tax payments are due.
2. All trailers stored on site shall be empty and clean. No materials of any

kind shall be stored in the trailers at any time.

3. City zoning enforcement staff has right to unannounced inspections of trailers during reasonable business hours to ensure they are empty and not storing materials.
4. The maximum number of trailers stored on site at any one time shall be 65.
5. No tractors shall be stored at the site.
6. Use variance approval shall expire if either Frank or John Vitellii cease to own the property and own at least a majority interest in the business operated on the lot.
7. The landscaping plan shall be revised in conformance with the recommendations of the TAC to show additional landscaping to screen the site from view from the public right-of-way and neighboring properties.

Scott Turner, Engineer

A-1 Existing conditions aerial photo

The site currently has an auto repair and towing business on the site. It is in the I-1 light industrial zone. The focus of the application is on the southern portion of the site where a trailer storage facility for 65 trailers will be created.

A-2 Site Plan Exhibit

The site plan shows the proposed trailer storage area superimposed on the aerial photo. The use will be manned by one employee. There will be no tractors on site. They will come to the site to pick up or drop off empty trailers. Hours are 8A-5P. The auto body business has similar hours and the towing business is 24 hours. About 10 trailers per day will come to the site. There are no bulk variances, but a use variance is required.

The ambient lighting on site is sufficient for the proposed use.

The Bignell planning report was reviewed and the applicant will comply with all of the conditions. There are no open environmental issues on the site.

There will be a mobile office trailer on-site.

They will comply with the recommendations in the D&R Engineering report to the Board.

Keenan Hughes, Planner

Trailer storage is not permitted. The positive criteria are met as the property is well located for such as use as is 270 ft from the nearest road and is adjacent to other industrial properties and the rail line. The truck traffic is limited to Joyce Kilmer Avenue. The surrounding uses are compatible.

The proposed number of trips per day of 10 is less than what a permitted warehouse could have.

Several purposes of the MLUL are supported, including a and g.

The negative criteria are satisfied as any detriments have been mitigated through the setback from the street. There is no impairment of the zone plan from the use.

Public:
None

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

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

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

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None

IX. ADJOURNMENT

Motion to adjourn: Adorno

Second: Sheehan

Approved by unanimous voice vote