

**CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT
DECEMBER 18TH, 2017
MINUTES
7:30 p.m.**

**Meeting Location:
CITY COUNCIL CHAMBERS
CITY HALL, TOP FLOOR
78 BAYARD STREET**

I. ROLL CALL

	Nancy Coppola, Chair
X	John Cox, Vice Chair
	Margaret Chester
X	Sue McElligott
x	John Zimmerman
X	Tracey Piparo
X	Ivan Adorno
X	Doug Sheehan (Alt #1)
	Charlotte McNair (Alt #2)
X	Evelyn Azcona (Alt #3)
X	John Bogar (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 Charles Carley

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS SEPTEMBER 25TH, 2017 MEETING

Motion: Zimmerman

Second: Adorno

Approved by unanimous voice vote

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

- A. BAYARD GROUP, LLC Z-2017-13**, Site plan and variance application for the construction of a mixed-use building located at 90 Bayard Street, Block 20, Lots 12, 13, 14.01, 16-19, & 20.01, Zoning District: C-4

Motion to Approve: Adorno

Second: McElligott

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester		
Sue McElligott	X	
John Zimmerman		
Tracey Piparo	X	
Ivan Adorno	X	
Doug Sheehan (Alt #1)		
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)	X	
John Bogar (Alt #4)	X	

- B. 1276 E LLC, Z-2017-11**, Variance application for the construction of an addition to the existing single-family dwelling located at 16 Prosper Street, Block 71 Lot 44.03, Zoning District: R-5A

Motion to Approve: Zimmerman

Second: Adorno

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester		
Sue McElligott	X	
John Zimmerman		
Tracey Piparo	X	
Ivan Adorno	X	
Doug Sheehan (Alt #1)		
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)	X	
John Bogar (Alt #4)	X	

VI. NEW BUSINESS

- A. **J & F VILLA, LLC, Z-2017-10**, Site plan and variance application for the construction of a mixed-used building located at 354 Seaman Street, Block 183, Lot 29, Zoning District: C-2B

James Clarkin, Esq.: The application is challenging as the site is only 25 ft wide. The applicant has attempted to acquire adjacent land and has not been able to do so. The current property was fire damaged. The photos in the December Bignell report are representative of the current condition. The lot is to the rear of a structure that fronts on French Street. The proposed mixed use is a permitted use, but the ground floor residential unit is not permitted. The existing lot area and width are non-conforming. There are also new variances for setbacks, impervious coverage. There is no on-site parking so a variance is required.

The FAR standard is met so it is not overdeveloped.

We will be comparing this application to a previous approval at 173 French Street, which had 10 units and similar variances. This project only has 5 residential units.

Francisco Garcia, owner

He purchased the property in September 2016. A fire occurred about 4 years ago.

A-1 photo of 173 French Street

A-2 google earth photo of French St neighborhood.

The French St property also has a cantilever and no on-site parking.

Garcia said he contacted the abutting property owners about purchasing the properties. None of the owners were interested.

Larry Johnson, Architect

A-3 Color rendering perspective of the project.

The exterior material on the front is proposed as brick

The basement has storage areas and utilities.

The first floor plan a retail area in the front looking out onto Seaman Street. A residential unit is to the rear, with the entrance on the side of the building via an alley. The unit has one bedroom and is handicapped accessible.

The second floor plan has two units of similar size, with 2 bedrooms in each. The third floor is the same layout with the exception there is a stair for roof access for maintenance.

A-4 Roof Equipment Visibility Diagram

The equipment cannot be seen until a person is 168 ft away.

Addressing the Bignell Planning memo:

The units do have windows, except on one side it is too close to the property to allow for windows.

They will comply with the other architecture related comments in the Bignell report.

Mr. Patterson questioned the need for the ground floor residential as it accessed by an alley. A similar project on the agenda tonight with a similar number of units provides an elevator to make all the units accessible and not have a ground floor unit.

Mr. Bletcher raised concerns about the cantilever over the alleyway that puts the rain coming down the side of the building coming down on the person on the alleyway. Bletcher said the recommendation is to move the cantilever.

Ron Sadowski, Engineer

The site currently has a fire damaged 2-story house. The existing foundation encroaches onto the adjacent lot.

A-5 Colored Site Plan Rendering

There are landscape planters in the front of the property and a street tree. There is a vinyl fence along the various yard lines. There is also a screened trash/recycling area. The drainage conforms to the City's standards. An underground drywell will be provided. Lighting is provided through a street light and lighting under the soffit along the alley. There are arborvitaes screening the recycling area. The only signage is for the retail area and is conforming.

Loading is handled from the street and through the front door of the retail area.

The applicant offered to have approval conditioned on no food related businesses operating from the retail space.

Mr. Carley stated there some administrative items outstanding from his report and the applicant said they would comply with this.

Mr. Bletcher asked for testimony as to where residents and employees would park. Mr. Sadowski said they would park on the street. Mr. Clarkin said the occupants were not likely to have cars.

Ms. McElligott asked if the cantilever would prevent snow from accumulating on the alley. It will not.

Angelo Valletutto, Planner

The property is in the C-2B zone where the mixed use property is permitted other than the ground floor residential being proposed. The site can handle the ground floor residential unit as lot is tight. It reduces the parking requirement as retail would require more parking if enlarged.

The property is particularly suitable as the ground floor unit as an elevator is not required and is therefore less costly.

Retail is less needed these days so a larger retail is not needed.

The variances can be granted without damaging the public good. They can also be granted without impairment to the zone plan.

The enhanced standard of proof is met as large retail spaces are no longer needed and it will fit in well. Most residents in the area walk.

The lot area and width are justified on a hardship basis.

The new bulk variances are improvements over the existing conditions, which include encroachments on to adjacent properties. These variances arise from the narrowness of the property and advance the purposes of zoning under a C2 analysis. Also, the encroachment will be eliminated.

There are no detriments from developing the project as it is similar to other properties in the area. The positives of the project outweigh the detriments, as there are none.

Public:

Charlie Kratovil

He asked about the rent proposed. Mr. Garcia said it would be about \$1300 for a two bedroom.

Ms. McElligott asked how trash would be collected. Garcia said a building manager would bring it to the street for City pickup.

McElligott: who will ensure the alleyway will be cleared of snow and ice. Garcia said a building manager would be responsible. They have a number of properties in the area.

Mr. Zimmerman asked if an awning could cover the alleyway. Mr. Clarkin said it could but it would create more of an encroachment.

Mr. Clarkin summed up by saying the narrowness of the property makes development difficult but small properties like this need to be redeveloped. They are willing to address the alley/snow issues if possible.

Mr. Patterson discussed the background of ground floor residential units and why they were not a permitted use in mixed use building in this zone.

Mr. Patterson read conditions to attach to a motion.

Motion to Approve with the conditions discussed by Mr. Patterson: McElligott
Second: Zimmerman

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

John Zimmerman	X	
Tracey Piparo	X	
Ivan Adorno	X	
Doug Sheehan (Alt #1)	X	
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)	X	
John Bogar (Alt #4)		

B. PETER AND ALISON TVERDOV, Z-2017-16, Variance application for the construction of an addition and the renovation of the basement for the property located at 146 Hamilton Street, Block 50, Lot 12, Zoning District: R-5A

Peter Lanfrit, Esq.: The project is to develop an addition to an existing residential property and add two parking spaces. There are a number of variances.

Peter Tverdov, owner

He lives in New Brunswick and owns a number of rental properties in the city. He purchased this property in 2017 but had managed it since 2015. It is a two-family house with two two-bedroom apartments. The lower apartment is rented to 6 and the upper one to 4 persons. The maximum occupancy currently is 14. He has made improvements to systems since he purchased it.

The project is to add more bedrooms to the house and improve the systems. The kitchens will be or have been updated. Washer/dryers will be added. Bike storage and parking will be added. The new bedrooms would allow the allowable occupancy to go to 15 from the current 14. About 50% of his tenants typically have cars. Others have bicycles. It is a few minute walk to the Rutgers campus.

Mr. Siegle asked how the occupancy was calculated as he only counted 11. Tverdov said the CO allows for 14.

Ms. McElligott asked if there were any existing basement unit. Tverdov said no.

William Doran, Archt.

He reviewed the floor plan layout as it exists and then reviewed the proposed layout. Two new bedrooms are proposed for the basement. The basement apartments will have egress windows. A second story cantilever addition is proposed to add another bedroom. The addition is about 250 sf. This creates a variance condition.

The exterior materials will be the same as the existing.

Mr. Zimmerman said there was only one bathroom to serve 6 bedrooms on the 2nd floor. A 2nd bathroom in the basement is planned.

William Ingram, Engineer

A-1 Colored Site Plan

The existing driveway on Hardenberg St will be removed and a wider driveway located closer to the house off of Hardenberg. Bike parking will also be added. A hedgerow will be eliminated to improve sight lines. An encroachment from the existing driveway will be eliminated.

A total of 5 parking spaces is required. One additional parking stall is provided for a total of two.

The existing lot is undersized and has other bulk variances including FAR exist. Some of the bulk variances are increased.

The cantilever creates a small increase in the front yard encroachment.

The variance approval can be justified on a C2 analysis as it is one of the larger lots in the area and is developed at a similar or less intensity to other properties in the neighborhood. There are no detriments from the application. The new project will permit only one additional tenant over the existing condition and one new parking space is provided.

The goals of the MLUL are supported are purposes a, e, g, and i, promoting housing variety and aesthetics.

They will comply with the city engineer's October 16 memo.

Public:

Steve Ostergren

He is a neighbor of the property. It is also an investment property. He supports the project as this is an improvement and he is a good landlord.

Tony Chedid,

He supports the application. He owns property in the area. Mr. Tverdov lives in the area and will take care of the property. He manages property well.

Motion to Approve with the conditions discussed by Mr. Patterson: Adorno

Second: Sheehan

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester		
Sue McElligott	X	
John Zimmerman	X	
Tracey Piparo	X	
Ivan Adorno	X	

Doug Sheehan (Alt #1)	X	
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)	X	
John Bogar (Alt #4)		

C. SHAMY SHIPERS AND LONSKI REALTY, LLC, Z-2017-17, Site plan and variance application for the construction of a mixed-use building to be located at 251 Livingston Avenue, Block 260, Lot 1, Zoning District: C-3A

David Lonski, Esq.

They purchased the property in 1989. It was destroyed by fire a few years ago and the structure was demolished.

A-1 Original property survey showing the former building. The former building housed his law offices.

Brent Papi, Engineer

A-2 Rendered site plan

The site is in the C-3A professional office zone. It is bordered by professional and residential buildings, some of which are mixed use. It is approximately 75 x 125 ft. It is currently a vacant lot.

The proposal is to construct a three-story building with ground floor offices and residential on the upper floors. The parking lot will have a 24 ft drive aisle which is an improvement over the previous condition. Four of the parking spaces will be covered under the building. There will be a handicapped parking space. Street parking is also available.

Landscape screening and fencing will be provided.

A-3 Fencing Layout

A refuse will be provided and will be picked up by city services. It will be screened by a 4 ft fence.

There will be bicycle parking on site.

A-4 Lighting plan

The site storm water will be handled through natural sheet drainage toward Stratford and Livingston.

A-5 drainage plan.

Setback variances are requested including a front yard setback on Stratford but it is consistent with the old building. There is a small rear yard variance. The FAR is .84 whereas .80 is allowed. There are 10 parking spaces proposed whereas 17 are required. This is supplemented by on-street parking and there is a NJT bus stop in front of the property.

Mr. Carley stated the current plans address nearly all his comments and the applicant stated they will comply with any outstanding comments.

Rosario Menino, Architect

A-6 colored rendering of building perspective

The first floor contains 1800 sf of office space. There are 5 apartments in total on the two upper floors with a combination of one and two bedrooms. The building design mimics the style of the neighborhood.

Allison Coffin, Planner

The site was previously developed with a office use. A mixed use building is proposed with 10 off-site parking spaces. It is a permitted use. There is a small D variance for FAR as .8 is permitted and .84 is proposed. There are also bulk and parking variances.

Special reasons exist to support the variance request. The FAR standard regulates intensity. Using the Randolph standard, the issue is whether the site can accommodate the proposal. The excess FAR does not have a significant impact and allows the apartments to have additional 60 sf of area and creates no new bedrooms or office space. Therefore, there is no more intensity created by the proposal compared to a compliant application.

The setback variances are due to the architectural features that enhance the visual aspects of the property. The rear yard variance is de minimus and enhances the visual aspect of the property.

There are 17 spaces required with 10 proposed on-site and 5 can be accommodated on-street. The office use will tend to have its peak use at the opposite times of high residential parking demand.

The small office size does not need a dedicated loading space and would be an inefficient use of the land. It can be granted without detriment.

There is no substantial detriment to granting the variances on the zoning ordinances or nearby properties. The proposed use conforms to the intent of the zone. Therefore there is no impairment of the master plan.

Public:

Betsy Garlatti

She is a resident of the neighborhood. She is concerned about the density of the proposed residential development. There are parking problems in the neighborhood with little or no on-street parking available. The parking variance is not justified.

What are the details of the proposed signage?

Louis Garlatti

Many of the variances would go away if the intensity of the project was reduced. He feels it is a massive structure. Reducing the number of apartments will eliminate the variances.

Charlie Kratovil,
He wants to echo what the Garlatti's said.

Mr. Lonski stated the use is permitted. The number of parking spaces being provided is more than any other uses on Livingston Ave except the funeral homes. The proposal fits the character of the neighborhood.

A monument sign of concrete and teak will be provided in the front yard.

Mr. Bletcher said the architectural comments in his memo were not yet address. Mr. Papi reviewed the landscaping plan showing the lighting and landscaping. Mr. Bletcher said the architectural plans needed further details.

Motion to Approve with the conditions discussed by Mr. Patterson: McElligott
Second: Piparo

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester		
Sue McElligott	X	
John Zimmerman	X	
Tracey Piparo	X	
Ivan Adorno	X	
Doug Sheehan (Alt #1)	X	
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)	X	
John Bogar (Alt #4)		

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charlie Kratovil – he will be making a presentation to the Traffic Commission about buses in New Brunswick.

VIII. ADJOURNMENT