

**CITY OF NEW BRUNSWICK  
BOARD OF ADJUSTMENT  
FEBRUARY 27, 2017  
MINUTES  
7:30 p.m.**

**I. ROLL CALL**

X	Nancy Coppola, Chair
X	John Cox, Vice Chair
X	Margaret Chester
X	Sue McElligott
	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
	Board Planner Todd Bletcher
x	Board Engineer Rich Moody
	Conflict Engineer Chas. Carly

**II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)**

**III. SALUTE TO THE FLAG**

**IV. MINUTES OF THE BOARDS JANUARY 23, 2017 MEETING**

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

**V. COMMUNICATIONS AND REPORTS-  
Resolutions of Memorialization of Approval  
None**

**VI. OLD BUSINESS**

None

## VII. NEW BUSINESS

- A. 139 SUYDAM STREET, LLC, Z-2016-06, Variance application for the construction of a two-family residential dwelling located at 139 Suydam Street, Block 158, Lot 14, Zoning District: R-5A Application adjourned until the February 27, 2017 Meeting.

George Barood, Esq – the property is the site of a former two-family home that was destroyed by fire. The intention is to build a new two-family home.

Husain Ibrahim, Engineer – The lot is 25 x 100'. A fire destroyed the former house on the lot and the lot is now vacant. Public water and sewer serve the property. A new two-family house is proposed. It will be similar to what was on the site previously. Sheet 101 shows the proposed house plan.

The concrete pad area will be reduced in size to reduce the amount of impervious surface coverage. Otherwise, the existing drainage will remain the same. There is no increase in run off. Variances requested deal with existing conditions.

Frank Anticell, Engineer and Planner – The application permits the construction of a two-family house in the R-5A zone where a previous two-family house existed. The use is permitted but the lot is undersized. However, most lots in the area are also 25 x 100' in size. The proposed project will have side yard variances that are consistent with other lots in the area. The lot would be unbuildable if the required setbacks were enforced. Neither adjacent property can be acquired as they are developed. There will be a reduction in impervious coverage. The development of the vacant lot with a permitted use supports the granting of variances on a C-2 basis. The FAR variance is justified using the Coventry Square standard, in that the lot can accommodate the proposed use. The permitted FAR only allows for a 675 sf house. The neighborhood typically has 1600 sf houses, similar to the proposed structure.

The MLUL purposes of a. and g. are supported. The use is permitted and can be accommodated, as shown by other similar houses in the area.

The negative criteria are met as the use is similar to other uses in the neighborhood. Granting the variances can be done without impairing the zone plan or ordinance.

Mr. Bogar noted the City sidewalk standard is 5 feet, not the 4 feet shown on the plan. The applicant will accommodate this and provide a 5 ft. sidewalk.

Ms. McElligott asked about the number bedrooms in the previous house. There were 4 and this will be 4.

Mr. Aithal asked if the previous house was destroyed more than a year ago? It was destroyed in 2009. He asked about attempts to acquire adjacent properties or sell this property to them? Mr. Barood said the previous owner tried to sell the lot and the adjacent owners did not buy it. Mr. Barood will provide a certification of these attempts.

Public:  
None

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

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

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

- B. DAVID BEKUS, Z-2016-11, Variance application for the construction of an addition to an existing single family dwelling located at 278 Comstock Street, Block 220, Lot 33, Zoning District R-5A Application adjourned until the February 27, 2017 Meeting.

Kathryn Cott, Esq – The lot has a single-family, 2BR house and the applicant intends to add a 3<sup>rd</sup> bedroom.

David Bekus – Owner: The property is abandoned and all utilities are disconnected. It has been vacant for an extended period of time. Rehabilitation of the house will discourage squatters. It is a tiny house with steep steps. The intention is to make the house more habitable and meet current code. The staircase needs to be made shallower, and this causes a need to extend the house back.

All utilities will be upgraded. A 3<sup>rd</sup> bedroom and bathroom will be added on the 2<sup>nd</sup> floor. The front porch will be enclosed. It is small in size.

There is no on-site parking now nor proposed. The neighborhood is walkable and near transit.

The current house has a small footprint compared to other houses in the area. The expanded house will also be smaller than average.

A neighboring house encroaches on to his lot. He will provide the neighbor with an easement.

Trash will be stored in a side alley.

Mr. Cox asked about permit parking. It is a regulated area.

Michael Ford, Planner and Engineer

Variances are sought for FAR, parking and existing non-conformities.

A-1 Aerial photo of the neighborhood.

Many other homes in the neighborhood are larger. It is the smallest home in the area. Many of the larger homes are also non-conforming even though they are larger. This is only a single-family house, whereas many others are two-family. No impervious coverage or rear yard setback variance is being sought.

A building coverage variance is sought, due to the small lot size, but it complies with the impervious coverage.

The application supports the purposes of the MLUL purpose a.

The negative criteria are met as the expansion of the house is minimal and less than the standard of the neighborhood. There will be no detriment from this to the public good and zone plan and ordinance.

The applicant will comply with all the comments in the staff reports.

Ms. Chester asked about the enclosure of the front porch. Bekus said the small area will be incorporated into the lines of the house interior.

Public:None

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

Motion to Approve with the conditions cited: Chester

Second: Sheehan

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

- C. 91 MANAGEMENT, INC, Z-2016-013, Variance application for the addition of four (4) bedrooms to the existing five-bedroom single family dwelling located at 93 Richardson Street, Block 88, Lot 9.01, Zoning District: R-4 Application adjourned until the February 27, 2017 Meeting.

Peter Lanfrit, Esq – the application is for a parking variance for the property. The applicant purchased the property last year. They seek to add bedrooms within the existing footprint.

Susan Krutyamsky, Principle of 91 Management, LLC  
She purchased the property in 2016. It had been vacant for many years and was uninhabitable.

A-1 Set of photos showing the exterior and interior of the property at the time of purchase. She did not check with the City as to the number of previous bedrooms. They intend to completely rehab the house. She owns 6 houses on Richardson Street. They have purchased them over the past 5 years. She has renovated each house after purchasing them.

A-2 set of photos of 66 Richardson, another house she owns. It has 3 bedrooms and 5 occupants.

A-3 – set of photos for 83 Richardson, with 5 bedrooms and 6 occupants.

A-4 – set of photos of 85 Richardson, with 6 bedrooms with 10 occupants.

A-5 – set of photos for 87 Richardson, 3 bedrooms and 5 occupants

A-6 – set of photos, 91 Richardson, 2 bedrooms and 4 occupants.

She increased the number of bedrooms in 85 Richardson to increase to 10 occupants. This was 5 years ago.

Tenants are interviewed by her husband. They have strict lease rules and they make sure the student tenants understand the rules. It is a 20-page lease. All tenants are present at the lease signing. They have not had any issues with their tenants. She says most tenants do not bring cars as car space is usually limited to two spaces off-street. Some houses have more parking than others. 66 Richardson has 4 garage spaces.

Ms. Chester asked about the existing number of approved bedrooms. Only 2 bedrooms are shown on City records, not the five cited by the applicant. They are asking for 9 bedrooms.

Ms. Coppola asked how they ensure the tenants comply with the lease terms. She meet with the tenants regularly.

Mr. Cox asked for an explanation as to how the house goes from 5 rooms to 9 bedrooms. Mr. Lanfrit said the architect will address this later.

Mr. Patterson reviewed 2013 and 2007 Streetview photos and recollected that City records show the property as 2 bedrooms currently.

Susan Shefmaker, Architect.

The property is dilapidated. She says it has the appearance of a 5-bedroom house despite records showing only 2 bedrooms. The exterior is in generally good shape though. She referred to sheet Z1 and Z2.

The first floor footprint and layout will remain the same. The 2<sup>nd</sup> floor roof will be raised and cantilevered off the rear. The 1<sup>st</sup> floor will have 3 bedrooms and the 2<sup>nd</sup> floor 6 bedrooms. All will be single occupancy.

She looked at a 4BR floor plan for 12-15 occupancy meeting all the codes. There would be no parking variance in this configuration and could be approved with a zoning permit. The owner did not want to do this configuration. She wanted more single occupancy bedrooms instead of 3-4 person occupancy bedrooms.

Mr. Patterson asked if student tenants typically rented apartments with 3-4 persons occupying one bedroom. She said it could be done but singles are preferably.

Shefmaker walked through some of the applicant's other houses and they were maintained in good condition.

Mr. Cox asked when the attic was converted to bedrooms. She said it was probably more than 15 years ago.

Ms. Coppola asked about the basement. Shefmaker said they propose to finish the basement as "common area".

John Chadwick, Planner

A-7 Aerial photos of the neighborhood

The adjacent houses owned by the applicant are 25 x 100, whereas this lot is 50x100. He argued the number of bedrooms for the lot area is roughly the same and this house has a driveway. Most of the others have no off-street parking.

The rear yard could be paved to make more parking, but this would be out of character on this side of the street. The lot is within walking distance to the college campus.

The MLUL purposes are advanced as the occupancy is appropriate to the area. It is near transit. The plan maintains the open space to the rear. There are no negative issues as it results in an abandoned building being renovated. The variance request is minor when taken in character.

Frank Canon, 110 Huntington St.

He appreciates the applicant wants to fix the house up but feels she is going about it the wrong way. The parking situation in the neighborhood is difficult. He feels an occupancy of more than 6 is not feasible.

Aldo Reyes, Richardson Street

The previous owner died 14 years ago. Parking in the area is a problem.

P-1 Photos of on-street parking in the area.

Houses in the area often have fights with the students. The parking authority often gives out tickets to cars in the street.

Mr. Lanfrit asked if Mr. Reyes lived in a single-family house. He said it was and he lived there with his children.

Leonard Jenkins, owns 77 Richardson

He said he has concerns about parking and trash. His property is 50 x 100' and often encounters problems with cars blocking driveways.

\_\_\_\_\_ Reyes, she lives on Richardson Street with her father. The neighborhood has transformed over her 24 years in the area. It has become a student area but it is near St. Peters Hospital, so it could be attractive to that market also. It doesn't have to be student housing.

Charlie Kratovil,

How high will the roof be raised? Shefmaker said the roof will remain in the allowable height and be 29'9" high. It is 24 ft high now.

There is a parking issue in the 6<sup>th</sup> Ward. He's never heard of a 9 bedroom house before.

Public Hearing Closed.

Mr. Lanfrit summarized that the application is about a single family house. There is nothing that prevents a single-family house from having 7 or 9 bedrooms, other than the parking issue. They meet all of the code requirements. He says he is not threatening it but the applicant has a right to get to a 12-15 person occupancy. He feels it an efficient use of the property.

Ms. McElligott asked if 7 off-street parking spaces are required. This is correct.

A discussion between the number of bedrooms, parking spaces and mitigations compared to the multi-family properties. Mr. Lanfrit volunteered to give up the resident parking permits as a mitigation to the parking issue.

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

Motion to Approve with the conditions cited: McElligott

Second: Adorno

	Yes	No
Nancy Coppola, Chair		x
John Cox, Vice Chair		x

Margaret Chester	X	
Sue McElligott	X	
John Zimmerman		
Tracey Poparo	X	
Ivan Adorno	X	
Doug Sheehan (Alt #1)	X	
Charlotte McNair (Alt #2)		
Evelyn Ascona (Alt #3)		
John Bogar (Alt #4)		

### **Annual Report of the Board of Adjustment**

Mr. Siegle reviewed the variances the Board approved in 2016. The report is then forwarded to the Planning Board and Council with the approval resolution.

Motion to Approve: Cox  
Second: Adorno

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

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

Mr. Kratovil asked about trends shown in the report. Mr. Siegle responded about the trends towards more multifamily units, as did Mr. Patterson.

### **IX. ADJOURNMENT**

Motion to adjourn:  
Second:  
Approved by unanimous voice vote