

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
MAY 22, 2017
MINUTES
7:30 p.m.**

I. ROLL CALL

	Nancy Coppola, Chair
X	John Cox, Vice Chair
X	Margaret Chester
	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
	Conflict Engineer Chas. Carly

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS MARCH 27, 2017 MEETING

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

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

- A. Hoffman Housing Associates, LLC, Z-2017-01, Amended site plan and variance applications for the construction of age-restricted multiunit housing located at 75 Neilson Street, Block 106.02 Lot 1.03, Zoning District R-6

Motion: Piparo
 Second: Sheehan

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

- B.** 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

Motion: Adorno
 Second: Sheehan

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

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. **D AND J AUTO SERVICES, Z-2017-03**, Variance application for the use of the existing building for the operation of an automobile accessory store located at 20 Georges Road, Block 354, Lot 5, Zoning District: C-1

Chairman Cox asked if any Board members knew of conflicts with the application. No members indicated any conflicts.

Patrick Bradshaw, Esq

The application is for a D1 use variance and to clean up some existing bulk variances. The plan is to put an auto audio service business in an existing building that has had non-conforming uses. Variances are needed for lot area, width and depth, plus both side yard variances, building coverage and impervious coverage. These bulk conditions already exist. Approval of the variances just recognizes the existing situation.

Arkady Mushalov, Owner

He purchased the building in July 2016. He owns a used car lot near by as well as a grocery store down the block. His intention with this property is to rent the building to a business that does auto accessories such as audio, window tinting and wheel rims.

A-1 Photo of front of building existing

A-2 Photo of front of building with garage door open

A-3 Photo of interior of the garage building

The building was previously used by Garden State Fire Safety, where they would recharge fire extinguishers. The building had been vacant for about a year when Mr. Mushalov purchased the building.

There are 2 parking spaces. Cars needing to be kept overnight can be stored inside. Mushalov offered a condition of approval on this.

He also volunteered a condition of approval to restrict the hours of operation to 8:30-5 PM Mon-Fri, 8:30-1PM on Saturday.

There are several auto repair business on the block and the proposed use will help the block improve aesthetically.

Barbara Ehlen, Planner

A-4 Aerial photo from Bing Maps

The property is in a commercial area with a number of auto related uses nearby, as well as residential uses. It is in the C-1 zone where residential and some commercial uses are permitted.

As the building is a garage it is most likely that an auto-related use will use the site. The proposed use is appropriate given the garage layout of the building and that the auto audio and tinting are not messy and noisy like auto repair. The site is particularly suited for the proposed use as it is a garage with office. There is space to store cars overnight.

The use variance also allows the building to be reused and bring occupancy back to an existing building.

A goal of the master plan is to encourage clustering of commercial uses. There are nearby clustering of auto uses in the area. This use is a less intense use than the other auto uses.

The bulk variances are supported on a C1 hardship basis as the building already exists, the neighboring lots are already developed and the conditions are not being exacerbated.

The negative criteria are met as the neighborhood has a mix of uses and the proposed use is less intense than many of the existing uses. It will integrate into the neighborhood. It will not compromise the zone plan or zone ordinance.

Mr. Bogar asked if work would be done in the building, which Ms. Ehlen said it would. He also asked how loud the alarm tests would be. The applicant agreed to only test alarms with the door closed.

Public:

Adella Cooke,

She lives on Talmadge Street. She is concerned about noise and parking from the proposed use. She is also concerned about chemicals that will be used. Mr. Mushalov said there were no chemicals involved. Employees will use the parking spaces in front of the building.

Mr. Moody reviewed his engineering memo dated today, May 22, with the applicant. Mr. Moody said a planter was straddling the property line. He wanted the old advertising pole removed. He wants a tv review of the sewer line and analysis of the water flow to the building. He also raised questions about drainage across the sidewalk. He also wants the sidewalk and parking area concrete replaced on an as needed basis.

Mr. Belcher asked about trash storage. Mr. Mushalov said it would be stored inside.

Mr. Patterson read various conditions to attach to any motion to approve the project including no overnight storage, storage of trash/recyclables inside the building, only testing alarms with the door closed and restrictions on hours of operation.

Motion to Approve with the conditions cited: Chester

Second: Zimmerman

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

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. BALAKACHETTY RADHAKRISHNAN, Z-2016-12, Variance application for the conversion of a previously approved single family dwelling into a two-family dwelling located at 233 George Street, Block 126, Lot 2, Zoning District C-2B

Applicant requested to postpone the hearing due to a conflict with their professionals for tonight's meeting. The application is being carried to the July 24, 2017 Zoning Board meeting at 7:30 PM at City Hall. An announcement was made to the public at the meeting and no further notice is required.

VIII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None

IX. ADJOURNMENT

Motion to adjourn: Adorno

Second: Sheehan

Approved by unanimous voice vote