

CITY OF NEW BRUNSWICK
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 25TH, 2017
MINUTES
7:30 p.m.
Meeting Location:
CITY COUNCIL CHAMBERS
CITY HALL, TOP FLOOR
78 BAYARD STREET

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
	Doug Sheehan (Alt #1)
X	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 AUGUST 28TH, 2017 MEETING

Motion: Cox

Second: Piparo

Approved by unanimous voice vote

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

- A. T-MOBILE NORTHEAST, LLC, Z-2017-09**, Site plan and variance application for the installation of telecommunications equipment on the roof of the existing building located at 77 Throop Avenue, Block 171, Lot 1, Zoning District: R-5A

Motion to Approve: Adorno
Second: Piparo

	Yes	No
Nancy Coppola, Chair	X	
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)		
John Bogar (Alt #4)		

- B. RARITAN HEIGHTS PHASE II, LLC, Z-2017-07**, Amended site plan and sign variance application for the property located at 21 US Highway 1, Block 703, Lots 7.02, Zoning District: C-5

Motion to Approve: Piparo
Second: Cox

	Yes	No
Nancy Coppola, Chair	x	
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)		
John Bogar (Alt #4)		

C. JAMES PAGANO, Z-2017-05, Variance application for the construction of a two-family dwelling located at 50 Bartlett Street, Block 74, Lot 29.01, Zoning District: R-5A

Motion to Approve: Cox
 Second:Adorno

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

VI. NEW BUSINESS

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

Tom Kelso, Esq

The application is for site plan and variance approval of a mixed-use building with retail, a floor of office space and 262 residential units. The use is a permitted use. There are four variances, including a D variance for height. The height is 244 feet whereas the graduated density standard for the lot is 150 ft. This is due to the

narrowness of the lot not meeting the standard allowing 250 feet of height despite have more lot area in excess of 50,000 sq. feet.

There are C variances for the sky plane setback, lot width and a parking variance. 348 spaces are required and 273 spaces are provided.

Robert Paulus, Applicant

A-1 Rendered site plan

There are 8 separate lots with an area of 1.3 acres. The lots have been assembled over 10 years. All the existing buildings will be demolished.

The main entrance to the building will be at Bayard and Kirkpatrick. Vehicle access will be on Kirkpatrick, with a secondary access on New Street. Loading will be off Kirkpatrick St. The ground floor will have 7200 sf of retail. There will also be a lobby, management offices, bike parking and car parking.

The second floor will be parking for residents and commercial tenants. The 5th floor will have office suites.

Floors 6-20 will have apartments of varying sizes. A pool, lounge and outdoor area will be on the 6th floor amenity level.

The project is intended to attract upscale tenants and to take advantage of nearby mass transit. Wick Companies will manage the property directly. Rents will range from \$1900 to \$3000 for the apartments. Construction is expected to start in early 2018.

Ms. Chester asked about the impact on access to the Civic Square deck during demolition and construction. Paulus said he didn't envision any problems with access to this deck or the police operations.

Steven Schoch, Architect

The site has 109' of frontage on Bayard, 329' on Kirkpatrick and 32' on New Street.

The building is 20 stories with over 500,000 gross sq. footage. There will be studios, 1 BR and 2 BR apartments. There is over 26,000 sq. ft. of leasable office space.

The project will have strong amenities with a virtual doorman, indoor bike storage, a 10,000-sf amenity terrace above the office level with a dog park. There are indoor fitness and yoga centers. The 20th floor will have indoor and outdoor amenities accessible to all tenants.

The prominent corner at Bayard and Kirkpatrick will have a strong design element from the glass used.

A-2 Bayard/Kirkpatrick rendering

There will be signage at each retail entrance. It meets the ordinance standards for signage.

The building steps back from the street frontage at several levels: at the garage level, office level and residential level transitions.

A-3 Computer animation of the building

The animation gave a 360-degree view of the building and the street views. The garage openings will have a steel grid that screens the deck but allows natural air flow. The amenity terrace was shown as well as the sky terrace.

Mr. Schoch reviewed the ground floor plan including the retail, parking entrance and loading bay. New Street will have a secondary entrance to the garage. Fobs will be used to access past the security controls for the upper parking levels for tenants.

The 5th floor is the office plate. There is over 26,000 sf of space, which can be divided into smaller suites.

The 6th floor is a residential floor and the 10,000-sf amenity area including the pool. The area also includes a dog run.

A-4 Rendering of the amenity terrace

Floors 7-19 are typical residential floors.

The 20th floor has 16 residential units plus the common amenity area.

Each unit has laundry facilities. Trash is handled internally and picked up privately. The building is fully handicapped accessible. It is fully sprinklered.

There is a sky plane variance requested. The purpose of the plane is to set the building back as it rises. On Kirkpatrick St, there are two encroachments. One is due to the functionality of the parking garage dimensions. There is also the forward wall of the residential tower that has an encroachment on the upper floors due to the design constraints of the vertical transportation. The intent of the sky plane is met. The variance is also cause in part by the lot width, which is the narrowest dimension of the lot.

Ms. McElligott asked what it would look like from Kirkpatrick Street. Mr. Schoch referred to sheet A-14 the Kirkpatrick St. elevation.

Ms. Coppola asked about how tenant move in/out would be handled. Schoch said the loading bay would handle this.

Leslie Walker, Engineer

Referring to A-1 he described the location and how the building sits on the lot.

There will be landscape planters at ground level, as well as a plaza area. Street trees will be magnolias.

The majority of utilities come in from New Street. Electric will come in from Kirkpatrick Street. The storm sewer will connect to an existing line on the opposite side of New Street.

All the sidewalk around the site will be replaced.

The site is over 50,000 sf in area.

Charles Olivo, Traffic Engineer

He reviewed the methodology used to review the vehicle traffic at the site.

The project has a mitigating impact on traffic as it is a mixed-use project that encourages non-vehicle movements to access the site that is proximate to transit uses such as the nearby train station and bus access. The neighborhood is walkable. The new project will better organize how vehicles enter and exit the site, whereas today is not well organized on the existing 8 lots.

There are access points on both Kirkpatrick and New Streets. This breaks up the traffic demand. Pedestrians can access the building from a number of ways. There are over 60 bike parking spaces inside the building.

They analyzed the no-build scenario, including other proposed development in the area and compared it to a build scenario. There are about 120 peak hour trips in the AM and 145 in the PM peak hour. In the build condition, the levels of service are about the same as in the no-build condition. No LOS degrade to a level requiring mitigation.

At Kirkpatrick and New Street, he suggested the City may want to look at reconfiguring the geometry of the right hand turn out of Kirkpatrick Street.

In addition to the on-site parking, there are a number of public parking garages within a few blocks of the site that provide additional parking resources. This also provides a resource for visitor parking. The office and residential parking patterns are complimentary.

Design waivers are requested for some of the parking stall dimensions. The narrower spaces are appropriate for a predominately residential use.

Keenan Hughes, Planner

The use and FAR are in conformance. The height is also what is envisioned in the master plan and zoning, but there is a quirk in the graduated density regulations that create a D height variance. The variance is triggered by the narrow Bayard St. lot width, but the lot area meets the standard that allows a 250' height. The narrow lot width on Bayard has little impact on how the building is felt. The lot width does grow towards the middle of the lot to be compatible, plus there are step backs on the upper stories. This minimizes the impact of the height. The height can be accommodated without an impairment to the zone plan and ordinance and without a detriment to the public good.

The sky plane variance is justified on a C1 basis as it is only on a portion of Kirkpatrick Street where there is an encroachment. This is due to the width of the lot and the function of the design. All other setback requirements are met. There are no detriments to the zone plan or the public good from the variance.

The lot width variance is justified as no other properties were able to be assembled. The lot area far exceeds the ordinance standard.

The parking variance is justified as the parking can be shared between the uses. The retail will be primarily walk up demand. Also, most apartments are studio and 1BR. Additionally, there is substantial public parking available in the neighborhood.

The lot can clearly accommodate the size of the building. The C variances can be justified on both C1 and C2 basis. Purposes A, E and G of the MLUL are promoted by the project.

Public:

Jorge Diaz, Jr.

He asked what will happen to existing tenants who have current one-year leases. Paulus said tenants are without leases or on month-month. There are few residential tenancies and they will abide by the State laws regarding relocation of residential tenants. They will work with the tenants.

Diaz said he was unaware of the project and he has two leases. Paulus agreed to discuss the matter with him.

Arie Behar, owner to 96-100 Bayard

He supports the project as this area of town needs investment like this.

Charlie Kratovil,

He asked how many buildings would be demolished. Paulus said 7.

Land acquisition cost about \$7 million per Paulus.

Are there any plans to provide affordable housing for LMI households? Paulus said they were not planning to do this.

Will it be LEED certified? It will not be certified but will have many elements that would get LEED points.

Kratovil expressed concern about traffic impacts. Olivo described that he included other projects in his analysis.

Will the applicant be asking for a tax exemption? Paulus said that had not been determined yet.

Board comment:

Chester commented that the project would bring more residents and business to downtown, which was a benefit.

Motion to Approve: Cox

Second: Chester

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

- B. SHERWOOD DEVELOPMENT II, LLC, Z-2017-12, Site** plan and variance application for the construction of a multi-family residential dwelling located at 25, 29 and 35 Richardson Street, Block 90, Lots 9.01, 11.01, and 13. Zoning District: R-5A

The applicant requested to postpone the hearing. The applicant will provide new personal and public notice for the rescheduled meeting.

C. 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

George Barrood, Esq

Michael Barrood, principal

The project is to add additional bedrooms to provide more housing and close off the back yard to so cars cannot park back there. Tenants have expressed that they want to live with a larger group.

Edgar Perez, Architect

No use is proposed in the basement.

The interior of the two floors will be reconfigured. There will be a total of 4 bedrooms with a total occupancy of 8. The largest bedroom would be 179 sf.

Kevin O'Brien, Planner

A-1 Aerial Photo

A-2 Housing Size Table

It is an old neighborhood with large houses on small lots. All of the houses in the neighborhood exceed the FAR allowed. The proposed addition brings the house in line with the other houses in the neighborhood. The idea is bring this small house into balance with the other houses in the neighborhood and provide more housing in the neighborhood. The master plan discusses this lack of housing. There are no negative impacts from the project.

The FAR variance relates to a permitted use and the site can accommodate the density as the house will be smaller than most houses in the neighborhood. The building coverage can be justified on a C2 basis. The zone plan and ordinance will not be negatively impacted.

Public

None

Board Comment:

Chester added that bedroom maximum of 2 persons through a deed restriction

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

VII. OTHER MATTERS OF INTEREST TO THE PUBLIC

None

VIII. ADJOURNMENT