

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
OCTOBER 09TH , 2018
SPECIAL MEETING AGENDA**

**CITY COUNCIL CHAMBERS
78 BAYARD ST
7:30 p.m.**

I. ROLL CALL

X	Nancy Coppola, Chair
X	John Cox, Vice Chair
X	Margaret Chester
x	Sue McElligott
	John Zimmerman
	Indira Martir
X	Ivan Adorno
X	Doug Sheehan (Alt #1)
X	Charlotte McNair (Alt #2)
X	Evelyn Azcona (Alt #3)
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	City Engineer Richard Moody
X	Board Engineer _____

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS JULY 23RD , 2018 MEETING

Motion To Approve: Cox

Second: Sheehan

Approved by unanimous voice vote

V. COMMUNICATIONS AND REPORTS-

Resolutions of Memorialization

None.

VI. OLD BUSINESS

A. NU TETARTON ALUMNI ASSOCIATION OF PHI SIGMA KAPPA, Z-2017-21,

Site plan and variance application for the construction of a fraternity house located at 27 Stone Street, Block 75, Lot 14, Zoning District: IN-1

Jessica Sweet, Esq – The applicant is continuing the hearing from June 25. They have revised the plans including the size of the building and façade. Additional information has also been submitted to address concerns raised by the Board. They presented four witnesses at the previous hearing.

They have revised both the engineering and architectural plans.

The submitted documents to address whether the hardship was not self-created. They have contacted adjacent property owners about selling property to create a conforming lot. The adjoining owner has not contacted the applicant in response to the offer to purchase. No other adjacent property would create a conforming lot if acquired. She also submitted the original subdivision map of the site, from 1838, showing the 25 ft width at that time. This evidences that the hardship was not self-created.

William Vogt, Engineer

A-2 is the site plan submitted for the previous hearing. A-7 is the revised site plan rendering. The front porch of the building has been removed and the building length has been reduced by 7 feet to 71 feet. This reduces the variance relief being requested. The front yard setback is now 8 feet rather than less than 2 feet. Maximum building coverage has been reduced, but is still a variance. Similarly, the pervious coverage has been reduced by a similar 4% amount. The FAR has also been reduced by this change. The building height is still compliant. The landscaping and utilities remain the same.

Nicholas Graviano, Planner

A-8 Revised Building Rendering

Revised architectural plans dated July 18, 2018 were submitted.

The front porch has been removed and the building setback further from the front property line.

The height of the basement was reduced so that it can not be habitable space. It will be for storage and mechanical equipment only. This reduces the FAR. The laundry area was moved to the 3rd floor instead of the basement in the original plan. The basement will have storage cages.

A-3 the building rendering shown at the original hearing was reviewed. A-8 is a revised building rendering showing a mansard roof instead of a flat roof. The building appears much smaller with this design.

Variances are requested for FAR, front yard setback, combined side yard setback, building and impervious coverage, lot width, lot area. A parking variance is also requested as there is no on-site parking.

The variances are justified as the parcel is located in the IN-2 zone, the only area where the use is permitted. It satisfies the intent of the ordinance by modernizing the building. There are few conforming lots in the area and no other are currently available. Only 42 properties can be used for a frat and 32 are undersized. Only 10 parcels meet the standards and they are not available. The purposes of the MLUL and the master plan are advanced by the proposal. The applicant has revised the plan to be less in conflict with the zoning standards. The project meets the positive criteria by meeting MLUL standards a. and g.

There is no substantial detriment to the public good as it is a permitted use.

The existing lot size and width variances can be granted as hardships. The other C variances can be granted on a C2 basis. The hardship standards are also supported by the lack of response from the adjacent property owner about selling the property to create a conforming lot. The applicant has met the positive and negative criteria for the granting of the variances.

Ms. McElligott: have on-street parking permits been voluntarily relinquished.

Public: None

**Motion to approve with the conditions cited by the Board Secretary made by:
McElligott
Seconded by: Adorno**

Yes	No	
X		Nancy Coppola, Chair

X		John Cox, Vice Chair
X		Margaret Chester
X		Sue McElligott
		John Zimmerman
X		Ivan Adorno
X		Doug Sheehan (Alt #1)
X		Charlotte McNair (Alt #2)
		Evelyn Azcona (Alt #3)

VII. NEW BUSINESS

- A. CONSTRUCTION MANAGEMENT ASSOCIATES, INC, Z-2018-16**, the applicant is seeking amended variance approval for changes to the roofline of the previously approved multifamily residential structure located at 191 Hamilton Street, Block 57, Lot: 54.01

Thomas Kelso, Esq. –

The application for amendment for the existing approval. The project is currently under construction. However, modifications to the top floor of the design has created additional floor area, which impacts the existing FAR variance. Previously approved was an FAR of 1.63 and would increase to 1.69.

Steve Schoch, architect

There are no changes on the ground floor.

On the 2nd and 3rd floor, the bays where the laundry room is located were expanded. There is no increase in units, unit size or new bedrooms.

On the roof line area, there were small alcoves that from a construction standpoint would be difficult to provide flashing. They revised the plans to add a roof over the alcoves, floor area was created. This adds floor are to the adjacent units but no increase in number of units or number of bedrooms.

The roof line is slightly reduced in height by the change.

A-1 is a photo of the existing building under construction showing the building perspective.

Keenan Hughes, Planner

The FAR variance requires that the site be able to accommodate the floor area. As there is no change in the number of units, height or bedrooms, the only criteria at question is the aesthetics.

The building still has the variable heights and townhouse-style façade. The massing is still focused on the center of the building. The key design elements reviewed at the original hearing still remain. The increased FAR still meets the proofs originally offered.

Public: None

Ms. Chester asked what the square footage increase to the units would be on the upper floors. Mr. Schoch stated the bedrooms would expand by about 2 feet in length. It is useable space.

Todd Bletcher asked about a slight increase in the gable height, but it is at or below the originally approved ridge line. In no case is the height higher than originally approved.

**Motion to approve with the conditions cited by the Board Secretary made by: Adorno
Seconded by: Cox**

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

B. 203 EASTON AVENUE, LLC, Z-2018-07, Variance application for the conversion of an existing mixed-use building into a two-family residential dwelling at 203 Easton Avenue, Block 79, Lot 9, Zoning District: C-3B

Ms. McElligott recused herself due to a family relationship with the applicant.

Mr. Cox stated that he had previously been represented by the applicant 6 years ago but has had no contact with him since. Board Attorney stated that this was not a conflict.

Thomas Kelso, Esq.

The application is for variance approval for the conversion of a mixed-use building to a two-family house. Variances are required for lot size, lot width, front set back on Easton and Ray Streets, side yard setback, rear yard setback, impervious coverage and FAR. There is a parking variance. These are existing conditions, many of which are created by the change in use. There is no change in building volume.

Scott Miller – Owner

He purchased the property about 20 years ago. He originally had his law practice in the ground floor unit and lived upstairs. The upstairs later became a rental unit. He now seeks to convert the ground floor office to residential use as a 2nd apartment.

The 2nd floor has two bedrooms plus living room, dining room and two baths. The third floor is connected to the second floor and contains one bedroom.

The ground floor unit is proposed has a living room, dining room and kitchen area. There are two bedrooms proposed.

There are no changes the building footprint or volume.

Shawn Moronski, Planner

The FAR variance is created as the standards for the use change from office to residential. There are no physical changes to the building bulk. It was historically used as a two-family use and it is a permitted use. Many nearby homes are two-family. The lot is undersized for any use in the zone. There are no detriments to the use. The use is consistent with the goals of the master plan, e.g., through infill development and maintaining neighborhoods. There is no detrimental impact.

The C variances mostly deal with existing conditions and can be granted under both C1 and C2 theories. The lot is similarly sized to nearby lots. The use is consistent with other uses in the area. The lot width is existing and it is constrained from acquiring adjacent properties.

The front yard variance is improved by the use change as the standards change. There is no physical change.

The proposed configuration is consistent with nearby uses. There are no substantial detriments.

The parking variance remains but is less in conflict as the residential use has a lower parking requirement.

The purposes of zoning are supported as it is a historic use and supports an appropriate population density. Any permitted use would require bulk variances. The negative criteria are met as there are no detriments and the building bulk is not changing and any use in the building would have similar or the same variances. The use supports the goals of the master plan.

Mr. Moody referred to his engineering memo requiring the roof leaders to be connected directly to the detention system. There is an existing fence in the ROW and should be moved out of the ROW. The cross slope of the sidewalk exceeds the design standard. The slabs with trip hazards should be replaced.

The applicant asked for opportunity to get Council approval for the encroachment.

Public: None

Ms. Chester aid the

**Motion to approve with the conditions cited by the Board Secretary made by: Chester
Seconded by: Sheehan**

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

Resolution of Memorialization:
 Motion to Approve: Cox
 Second: Adorno

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

C. C & J REALTY INVESTMENT GROUP, Z-2018-10, Variance application for the construction of a two-family dwelling located at 9 Wright Place, Block 508, Lot 3.02, Zoning District: R-5C

The applicant has two applications for adjacent properties, "D" below. Both will be presented simultaneously as they are similar proposals

Thomas Kelso, Esq.

The applications are companion uses. There is no site plan for the two family houses. There are variances for front yard setback and FAR for 9 Wright. For 11 Wright Place there is also an impervious coverage variance in addition to the two others.

James Guerra, Architect

9 Wright Place is an interior lot and 11 Wright is a corner lot.

The first floor of each is for parking. The second floor is an apartment and a 2nd apartment is on the 3rd floor.

11 Wright Place has a similar layout but is on a corner lot.

He reviewed the elevations for each building, which were similar.

The front yard encroachment is due to the front stair. On 11 Wright, the impervious surface variance is created as the driveway design requires more paving.

The allowable FAR is .5, whereas 1.2 is proposed. Each lot is of conforming size and the height is allowable.

Keenan Hughes, Planner

The FAR variance test is whether the site accommodates the building. The proposed buildings are on conforming lots, meet the height standards and most setbacks and coverage. There is adequate parking being provided. The buildings are of appropriate and similar size to nearby buildings. The number of dwelling units is permitted. The buildings meet the positive criteria.

The negative criteria are met as there are no detriments and there is no negative impact on the master plan or zone plan.

The impervious coverage variance is justified to be able to provide off-street parking and is minimal in nature. The front yard setback variances have minimal impact as it is only the stair on the interior lot encroaching and the corner lot nature of the other lot.

Purposes A and G of the MLUL are promoted by the projects.

The C2 balancing test is met for all the bulk variances.

Mr. Moody reviewed his memo that on 9 Wright has the neighboring driveway encroaching on to their property. Show the revised sight triangle.

Public: None

**Motion to approve with the conditions cited by the Board Secretary made by: Cox
Seconded by: Chester**

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

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

D. C & J REALTY INVESTMENT GROUP, Z-2018-11, Variance application for the construction of a two-family dwelling located at 11 Wright Place, Block 508, Lot 3.03, Zoning District: R-5C

**Motion to approve with the conditions cited by the Board Secretary made by: Cox
Seconded by: McElligott**

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

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

VII. ADJOURNMENT