

CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
DECEMBER 17, 2018
MINUTES
CITY HALL COUNCIL CHAMBERS
78 BAYARD ST
7:30 p.m.

I. ROLL CALL

	cy Coppola, Chair
	n Cox, Vice Chair
	garet Chester
	McElligott
	n Zimmerman
	ra Martir
	Adorno
	g Sheehan (Alt #1)
	rlotte McNair (Alt #2)
	yn Azcona (Alt #3)
	rd Attorney Aravind Aithal
	rd Secretary/Director of Planning Glenn erson
	cipal Planner Mark Siegle
	rd Planner Henry Bignell
	rd Planner Todd Bletcher
	Engineer Richard Moody
	rd Engineer Charley Carley

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS NOVEMBER 26TH, 2018 MEETING

V. **Motion To Approve:** Adorno

VI. **Second:** Sheehan

VII. Approved by unanimous voice vote

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

A. JAMES PAGANO, Z-2018-17, Variance application for the construction of a two-family dwelling located at 49 Bartlett Street, Block 77, Lots 7.01, Zoning District R-5A

Motion to approve: Sheehan

Seconded by: McElligott

		cy Coppola, Chair
		n Cox, Vice Chair
		garet Chester
		McElligott
		n Zimmerman
		Adorno
		g Sheehan (Alt #1)
		rlotte McNair (Alt #2)
		yn Azcona (Alt #3)

B. 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

Motion to approve: Chester

Seconded by: Zimmerman

		cy Coppola, Chair
		n Cox, Vice Chair
		garet Chester
		McElligott
		n Zimmerman
		Adorno
		g Sheehan (Alt #1)
		rlotte McNair (Alt #2)
		yn Azcona (Alt #3)

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. NEILSON CROSSINGS, LLC, Z-2018-09, Site plan and variance application for the construction of a multifamily residential building located at 147 Neilson Street, Block 5, Lot 6.01, Zoning District: R-6

Chairman asked if any board members had conflicts with the application. None indicated they did.

Thomas Kelso, Esq.

The application deals with the fire damaged synagogue on Neilson Street. It was severely damaged three years ago. However, the façade and other structural elements survived, allowing it to be converted to an apartment building. The applicant is a contract purchaser.

The application is for a use variance as the zone allows for low-rise apartments but this project has 4 floors and is classified as a mid-rise. However, the height of the building does not change from the current height.

There are also a series of C and D variances, but all are existing conditions. One is being increased slightly, another is being decreased. There are variances for lot width, area, depth, front yard setback, side yard setback on one side and total side yard setback. These are all existing conditions. There is a building coverage variance that actually reduces the current condition. The impervious coverage increases slightly. There is an existing rear yard setback and height variance that are also existing. There is a parking variance for providing no parking on-site, which is the same as the current condition. They will provide testimony about 23 spaces to be provided at the Parking Authority's Lower Church St Deck. There is an FAR variance but is it not able to be determined what the FAR prior to the fire was.

The project brings this building back into utility and retains the façade of the building. The use is compatible, as residential is permitted.

Frank Ferrell, Engineer

A-1 Existing Conditions

The property is at 147 Neilson Street. The lot is undersized and is largely occupied by the existing structure. The shed on the site will be demolished. The building is about 4,000 sq. ft. and is fire damaged. The surrounding properties include townhouses and multifamily houses, a vacant lot and a church.

He reviewed the bulk variances. He reviewed that the building height remains the same but will include four floors of housing, which requires a use variance as only 3 floors are permitted in the zone.

A-2 Proposed Layout

The impervious coverage increase is due to new pedestrian pathways on the site. The FAR ratio is 1.89 whereas 0.3 is permitted.

The project will have 6 studio lofts and 6 two-bedroom units. 23 parking spaces are required whereas none are provided. They will testify that off-site parking is available.

The driveway requires a design waiver as the distance to the side yard is less than the standard.

The dumpster and gas meters will have 6 ft high fence enclosures and are located at the rear of the site so they have reduced visibility to the public ROW.

Two planters are proposed in front of the building.

Trash will be hauled away at off-peak hours as is similar with other nearby developments. Off-peak hours are 8A-5P on weekdays.

There will be building mounted light fixtures on the north side of the building. They will have screens to limit spillage.

They have reviewed the Board engineering and planning reports and do not have any objections to any of their comments.

New fencing will enclose the site in the rear and front. There will not be public access through the site.

No landscaping is provided on the south side due to the less than 1 ft existing setback. The same condition applies to the rear. Plantings are impractical in such locations.

The impervious coverage increases by about 6%. There is a very small increase in stormwater runoff. No new stormwater techniques are needed to address the change as it is de minimus.

Ms. Chester asked about ADA access. Mr. Ferrell said there was an ADA access on the north side of the building to the first floor of the building.

Rosario Mannino, Architect
A-3 Proposed Rendering
A-4 Existing Rendering

A four-level residential building is proposed. The first floor of the building is ADA accessible. The accessible entrance is on the side of the building. The main access is in the front. The first floor units are ADA-adaptable.

The first and second floor each have 3 two-bedroom units. The first floor also has parcel lockers.

The third floor has 6 studio units with lofts on the 4th floor. Access to the fourth floor is only through the interior of the unit. Each has a private terrace.

All units have washer/dryer in each unit. Condenser units are located on the roof and are screened so they will not be visible.

The existing exterior stone will be cleaned and remained.

Two planter boxes are added in front of the building to add character and buffer the building along the street front.

A security intercom system will be added for tenant security.

Charles Olivo, Traffic Engineer

This an excellent adaptive reuse of the building. It saves the existing building stock with enhanced architectural feature. Parking is not provided on-site. Adding an active driveway would impact on the active sidewalks and on-street bike lane adjacent to the project.

He reviewed the existing traffic system consisting of the two-lane road, bike lane and good pedestrian sidewalks. There is no traffic going in and out of the site other than an occasional service vehicle. There are existing parking facilities in the area that can be used and which already accommodate the in and out movements of vehicles. This concentrates the areas where you get the in and out activity to maintain walkability of the neighborhood. The RSIS parking standards that apply to this project allow for great flexibility when a project is in an area where there is good transit and walkability. This is the case here. The Parking Authority has provided a letter stating that 23 parking spaces are located in the nearby deck. The site is also near four NJ Transit bus routes, two County shuttle routes, bike lanes and pedestrian crosswalks with yield signs. This all encourages non-car travel. Almost 50% of the people in New Brunswick do not use single-occupancy vehicles.

The actual demand for projects located in areas such as this is that demand for parking is about 0.5 spaces per unit. The project is providing 1:1 off-site parking at the deck. There would be less than 10 new vehicle trips in the peak hour. Only if there are more than 100 trips in an hour is there a significant impact on traffic standards.

Mr. Kelso provided a copy of the Parking Authority letter (A-5). They will also volunteer to waive for any permit parking for this project. Mr. Cox asked if there was a limitation on the hours of parking. Mr. Kelso said no.

Paul Grygiel, Planner

A number of variances, including three D variances are required. This would normally show a project to be out of character with the zone, but these are technical violations in this situation. The D1 use variance is because it is 4 floors, not 3, a D4 for FAR but it is an existing building and a D6 for height but the existing height is not changing.

The R-6 zone permits residential. It is only the internal loft area that creates the variance. There is no height change. The building volume does not change so there is no additional impact compared to the existing.

The general welfare is promoted by retaining the existing building and façade. This is a goal of both the MLUL and the City's master plan. MLUL purpose J, A and I are promoted.

The parking variance standard is met as it is being provided off-site nearby and this allows the existing building foot print to be maintained. This is justified on a C1 hardship basis.

The negative criteria are met as the board can find there is no detriment to the public good. The building is being retained rather than lost. This is a positive. There is no impairment to the zone plan.

Dave Adams, Applicant

He responded to Mr. Patterson's earlier question about what off-peak hours are for pick up. He stated it was normally done 8-5 on weekdays only for both trash and recycling.

Public:

Judith Durica,

She said that even with permit parking there are parking problems in front of their units in Hiram Square. Mr. Kelso said they will have an agreement with NBPA to allow individual tenants to get a parking pass from NBPA. He also discussed that resident parking passes will be waived as a condition of approval.

She asked about the impracticability of doing landscaping as they pay for it at her project. Mr. Kelso said there was no room for it but they are adding planters in front.

She asked to hear about the drainage design again as they are in a flood zone. Mr. Ferrell described that the increase in runoff is exceedingly small. She said there was concern about drainage between the building and the townhouses. Ferrell said the drainage pattern would remain the same as they are today.

Ms. Durica asked where the private terraces are located. Mr. Mannino said they would be on both sides of the building.

Liomad Schichman

How is the fire escape for the new building designed?

Mr. Mannino stated the building was fully sprinklered and there are two emergency exits so there are no fire escapes.

Mr. Schichman asked about the capacity of the stormwater drainage from the basement. Mr. Ferrell said the number of units is not related to the drainage as the building size is not changing.

Elizabeth Hance

The Reformed Church has a concern about the parking. She asked if there would be dedicated parking. There will not be. She is concerned about parking at meters on Bayard Street as there is no meter charge on Sundays. Mr. Kelso said the church didn't provide off-street parking for its parishioners. Ms. Chester said that someone with a vehicle has to park it 7 days per week, not just on Sundays so would not likely seek out an on-street space on Sunday mornings.

Mr. Patterson, Ms. Chester and Mr. Cox discussed that the parking in the deck allows for efficient parking space use.

Janice Seder,

She asked that the history of the building be respected.

Charlie Kratovil

Will the building be privately financed? Yes

Will a PILOT be applied for? No

What will rents be? Market rents

He said it seemed like a nice project but had concerns.

He asked about only 1st floor two-bedroom units are ADA-adaptable and not the studio lofts. Mr. Adams said they had looked at that issue but found an elevator to be impractical.

He asked why the impervious surface was increase. Mr. Ferrell said it was primarily due to pedestrian pathways and the new driveway to access the trash enclosure. The driveway length is to allow the truck to pull fully into the site and allows the trash enclosure to be at the rear to screen it from public view.

He stated he wanted to ask an NBPA representative about the parking availability. He wanted to know about discount parking for workers at night at the Wellness deck. He thinks it should be at Church St. NBPA told him it was sometimes full. How can they reserve 23 passes? Mr. Patterson responded that NBPA has previously discussed that as the Church St deck is for both monthly and daily parkers the Authority can adjust the ratio of spaces dedicated to monthly and daily users to accommodate the monthly pass holders.

Robert Rozenberg

He stated that he worshiped at Poile Zedek and now has to go to Highland Park. He finds it sad that it will no longer be used as a synagogue and used as residences. He is conflicted by this.

Cliam Blach

He described his history as a Jew in Russia and how he found a home here.

Abraham Mykoff,

He is the rabbi at Poile Zedek. The congregation is involved in a product liability suit to attempt to get reimbursed for the fire damage. The synagogue draws people from all over the tri-state area. He hopes that one day the synagogue can be rebuilt.

He stated that NJ statutes Title 16 require that a majority of the congregation voting. Mr. Aithal stated that the purpose of the hearing is to hear the application and the board cannot consider an issue about the congregation's sale. He said there are other forums for this issue.

Michael Tublin,

He lives in Hiram Square and attended the temple when he was 5. He is sad with its passing but feels this is a great project that he supports.

Michael Wasserman

He is a Poile Zedek board member and the congregation voted 22-4 to sell the building.

Anna Basivic

America is the only place that allows you to be who you are and many people find there soul in this synagogue. She asked why the NBPA letter could be accepted and the other letter could not.

Mr. Kelso said the NBPA letter would be incorporated as a condition of approval. Mr. Aithal said it was Authority letter was similar to a utility will-serve letter.

Judith Durica

She asked about construction hours. Mr. Patterson said the City's hours are 7A-6P.

Board Discussion

Ms. McElligott said she liked that the project would retain the building.
 Ms. Chester said that while it was sad that the synagogue burned but this project will keep the building and the other alternative is to have it demolished.

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

		cy Coppola, Chair
		n Cox, Vice Chair
		garet Chester
		McElligott
		n Zimmerman
		Adorno
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		rlotte McNair (Alt #2)
		yn Azcona (Alt #3)

B. 121 FRENCH STREET HOLD, LLC, Z-2018-15, Variance application for the conversion of a former place of worship into a retail storefront located at 121 French Street, Block 26 Lot 4, Zoning District: C-2A

The application is to convert the existing first floor from a church to retail and approve the two existing apartments as legal apartments. The only variance is for parking.

Kurt Ludwig, Architect

A-1 Colored Rendering of Sheet 1 of the Plan Set

The previous use was a church with a 160 person occupancy in the main room and 35 in the conference room. The second floor were apartments.

The proposal is to reface the front of the building to create a retail façade. The access to the apartments is currently on an alleyway, as shown on A-2. The stairwell will be relocated into the building to provide entrance from French Street. One apartment will face on to French Street. The other will face the rear of the property.

There is also a basement that is proposed for storage and utilities. The storage would be for the retail uses.

Trash for the residential will be stored in the alleyway. The retail can store trash in the basement. They have provided a recycling plan.

The applicant can comply with all the comments on the planning and engineering reports. But they ask for relief to the comment about the planning comment requiring the applicant to come back to the board if there is a restaurant use. Mr. Bletcher said the intent is to ensure the applicant has thought out where chillers and other equipment will be located. The applicant agreed that if there was any outside mechanical equipment they would come back to the board.

There is a loading zone on French Street.

Kevin O'Brien, Planner
A-4 Aerial photo of the area

The applicant is asking for a parking variance. The former church use required 46 spaces and provided none. The proposed use only requires 15 and none are provided. The building is located in the urban core where no off-street parking is expected. Therefore there is no detriment.

The loading zone has been shown to be able to accommodate trucks for delivery.

Both variances can be granted on a C1 hardship standard as the existing building covers the entire lot. They can also be granted on a C2 basis as it offers retail and housing as the master plan calls for. It supports the MLUL goals as it improves safety with modern fire standards, improves the visual environment and there are no negative impacts that can be identified. It can be approved without violating the zone plan. There are parking decks within walking distance from the property.

Public:
None

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

		cy Coppola, Chair
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		garet Chester
		McElligott
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		Adorno
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		yn Azcona (Alt #3)

C. APPROVAL OF 2019 ZONING BOARD OF ADJUSTMENT MEETING SCHEDULE

**Motion to approve: Adorno
Seconded by: McElligott
Approved by unanimous voice vote**

IX. OTHER MATTERS OF INTEREST TO THE PUBLIC

Mr. Kratovil thanked Mr. Patterson for his service as Board Secretary as he is retiring.

X. ADJOURNMENT