

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
JANUARY 22, 2018
MINTUES
7:30 p.m.**

I. ROLL CALL

X	Nancy Coppola, Chair
X	John Cox, Vice Chair
	Margaret Chester
x	Sue McElligott
X	John Zimmerman
X	Tracey Piparo
X	Ivan Adorno
X	Doug Sheehan (Alt #1)
X	Charlotte McNair (Alt #2)
	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	Board Engineer Richard Moody
x	Conflict Engineer Charles Carley

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

Nomination and Appointment of Chairperson
Nomination of Chairperson: Nancy Coppola, no other nominations
Motion to approve: Cox
Second: Adorno
Approved by unanimous voice vote

Nomination and Appointment of Vice-Chairperson

Nomination of Chairperson: John Cox, no other nominations

Motion to approve: McElligott

Second: Sheehan

Approved by unanimous voice vote

Nomination and Appointment of Secretary

Nomination of Chairperson: Glenn Patterson, no other nominations

Motion to approve: Coppola

Second: Cox

Approved by unanimous voice vote

Nomination and Appointment of Board Attorney

Nomination of Chairperson: Aravind Aithal, no other nominations

Motion to approve: Zimmerman

Second: Cox

Approved by unanimous voice vote

Nomination and Appointment of Conflict Board Attorney

Nomination of Chairperson: Karl Kemm (McMinamon Scotland), no other nominations

Motion to approve: Zimmerman

Second: Sheehan

Approved by unanimous voice vote

Nomination of Board Planner

Nomination of Chairperson: Bignell and Associates, no other nominations

Motion to approve: Cox

Second: Zimmerman

Approved by unanimous voice vote

Nomination and Appointment of Board Engineer

Nomination of Chairperson: D&R Engineering, no other nominations

Motion to approve: Cox

Second: McElligott

Approved by unanimous voice vote

Nomination and Appointment of Hydraulic Modeling/Water System Capacity Engineer

Nomination of Chairperson: Mott McDonald, no other nominations

Motion to approve: Cox

Second: Piparo

Approved by unanimous voice vote

Nomination and Appointment of a Traffic Systems Engineer

Nomination of Chairperson: Mott McDonald, no other nominations

Motion to approve: Cox

Second: Sheehan

Approved by unanimous voice vote

Adopt meeting schedule for 2018 through January 2019

Motion to approve: Zimmerman

Second: McElligott

Approved by unanimous voice vote

IV. MINUTES OF THE BOARDS DECEMBER 18TH, 2017 MEETING

Motion to approve: Adorno

Second: Piparo

Approved by unanimous voice vote

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

A. J & F VILLA, LLC, Z-2017-10, Site plan and variance application for the construction of a mixed-used building located at 354 Seaman Street, Block 183, Lot 29, Zoning District: C-2B

Motion to Approve: Cox

Second: Adorno

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

B. PETER AND ALISON TVERDOV, Z-2017-16, Variance application for the construction of an addition and the renovation of the basement for the property located at 146 Hamilton Street, Block 50, Lot 12, Zoning District: R-5A

Motion to Approve: McElligott

Second: Piparo

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

C. SHAMY SHIPERS AND LONSKI REALTY, LLC, Z-2017-17, Site plan and variance application for the construction of a mixed-use building to be located at 251 Livingston Avenue, Block 260, Lot 1, Zoning District: C-3A

Motion to Approve: Cox

Second: Adorno

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

VI. NEW BUSINESS

- A. JULITOS GROCERY STORE, LLC, Z-2017-18**, Variance application for the use of the existing prior non-conforming retail store with a take-out restaurant food component at 172 Hamilton Street, Block 51, Lot 16, Zoning District: R-5A

Tom Abode, Esquire

The building is on the corner of Division and Hamilton Street. It was formerly used as a retail florist. It has been converted into a grocery. The applicant has been operating for a year and a half. He is seeking to add a grill and range at the site to be a restaurant use, which is not a permitted use. They surveyed their clientele and found there is a demand for hot food such as breakfast sandwiches. In order to do this, they applied for permits and received them. However, after the Construction Office issued them they determined that a zoning variance was needed for the change in use. No site improvements are being made except for the relocation of an existing fence.

The customer traffic is walk up in nature. They are not seeking any new parking relief.

Richard Jacoboski, Owner

He operates the deli and is on-site for about 25 hours per week. Clientele comes from RWJ hospital and the student population, that is, the immediate neighborhood. The employees live in the neighborhood.

Their product lines are items such as bagels, sub sandwiches, soups, and such. They do not have parking issues as everyone walks. They do not anticipate any change in the clientele due to the changes. Deliveries will be handled as they are today, which are small deliveries made by the owner himself using regular on-street parking. Trash and recycling will be handled as is done currently and there is adequate capacity for the proposed use.

There are two apartments above the grocery that are not related to the business. Hours are 7-9 pm 7 days per week.

They will be installing a ventilation system that will vent above the roof level. It will be installed as per applicable codes. The duct work will be on the rear of the building.

Keenan Hughes, Planner

Photos Packet A-1 through A-4

The property is in the R-5A. Directly across Division St is the C-1 zone where there are similar stores. It is an existing non-conforming use. The addition of the grill classifies it as a fast food restaurant, which is not a permitted use in the R-5A zone.

The photos show the interior of the building including the partially installed grill, grocery product area, supply room and office. It is a typical corner store.

To satisfy the special reasons test, it is stated that is an existing use and the addition of the grill will not create a substantial intensification of the use. It will continue to serve the immediate neighborhood. Granting the variance would further MLUL purposes A and G, as it would add walkable retail and food offerings to the community. As to the negative criteria, the venting for the grill will be done per code and not have a negative impact. The clientele will continue to be from the immediate neighborhood. While is it classified as a fast food restaurant, it is not substantially changed from the existing deli use.

Public:
None

Motion to Approve with the conditions discussed by Mr. Patterson: Zimmerman
Second: Adorno

	Yes	No
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)	X	
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)		

- B. BHARAT PATEL, Z-2017-23**, Variance application for the conversion of a single family dwelling into a two-family dwelling at 219 Townsend Street, Block 149, Lot 8.01, Zoning District :R-5A

Tom Kelso, Esquire

The application is to convert an existing single-family house to a two-family house. It was previously used illegally as a rooming house by a previous owner. There is no site plan approval required. The two variances being requested are for existing conditions for lot size and width related to the larger lot size required for two-family houses.

Bharat Patel, Owner

He purchased the property two months ago. He is also a licensed engineer.

The building has an existing 7 ft wide driveway with just two concrete strip, which drivers make ruts on the side. He wants to make it a 9 ft wide fully paved driveway to improve the situation. The property will comply with the impervious coverage standard.

The building has 7 existing bedrooms, plus three illegal basement bedrooms. His intention is to convert it to a two-family with 4BR in each unit. The permitted occupancy under the current configuration is 15. He is mitigating his existing parking variance by voluntarily limiting occupancy to 16, not the permitted 20 based on the size of each unit.

Joseph Sapphire, Architect

Plan drawing D1.1 existing floor plans

A1.1 proposed plans

A central, fire-rated staircase will be added interior to the structure. The two apartments will have separate entrance doors. A sprinkler system will be installed in each unit. He reviewed the layout of each floor.

The dormer will be extended along the front roof to accommodate the stairwell but will not add any new living area. The existing FAR is in excess of what is allowed, but the proposed change does not change the habitable floor area so does not increase the FAR.

Keenan Hughes, Planner

There are two variances related to lot size and width. The structure has been used as a one-family. The R-5A zone has different lot size and width standards for two-family use. There are both C1 and C2 reasons for supporting the variance. It is supported on a C1 basis as the lot exists and other lots are not able to be acquired to allow rehabilitation of the house.

The variances are supported on a C2 basis as the renovation of the house supports purposes A and I of the MLUL by renovating an existing house and improves the aesthetics. The negative criteria are met as there is no increase in the parking required for the existing use. The master plan goals are met as it fixes up an existing house.

Ms. McElligott asked if the fire escape would remain. Mr. Sapphire said it would and it is in good working order.

Public:

Charlie Kratovil

He expressed thanks for the applicant for fixing up a boarded up building in his neighborhood. He asked for details on the previous violations.

Motion to Approve with the conditions discussed by Mr. Patterson: Cox

Second: Zimmerman

	Yes	No
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)	X	
Charlotte McNair (Alt #2)		
Evelyn Azcona (Alt #3)		

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charlie Kratovil asked Board members to attend his presentation about the bus system at the upcoming Traffic Commission meeting.

VII. ADJOURNMENT