

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
JUNE 25TH, 2018
MINTUES
7:30 p.m.**

I. ROLL CALL

x	Nancy Coppola, Chair
X	John Cox, Vice Chair
X	Margaret Chester
X	Sue McElligott
	John Zimmerman
X	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
	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 MAY 21ST, 2018 MEETING

Motion To Approve: Cox

Second: Sheehan

Approved by unanimous voice vote

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

- A. JOSEPH CHEDID, Z-2018-05**, Variance application for the conversion of the ground floor of an existing two-family dwelling into a retail/commercial space located at 158 Louis Street, Block 60, Lot 32, Zoning District: C-1

Motion to approve made by: Cox

Seconded by: Sheehan

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

VI. OLD BUSINESS

- A. GILBERTO MERCADO, Z-2017-15**, Site plan and variance application for the construction of a mixed-use building located at 405/409 Livingston Avenue and 52 May Street, Block 340, Lots 1.03, 3.02, and 5.01. Zoning District: C-3A

Peter Lanfrit, Esq continued the hearing by reviewing the testimony presented by the engineer, architect and planner at the April 23 meeting. Several neighbors raised objections and there were some minor site issues that needed clarification regarding landscaping and trash pickup.

Robert Gazale, Engineer

Referring to Sheet 4 of 7, updated through May 10 landscaping and lighting plan, 5 of the 6 existing cedar trees are in good condition and will not be removed.

The plan has a designated area for a trash enclosure. It will be brick to match the building and allows for the truck to pull directly into the driveway to pick up the dumpster. The trash hauler will not pick up before 7 am.

Elizabeth Dolan, Traffic Engineer

They submitted a traffic impact statement. The site will have 12 apts. About 5-6 driveway movements will happen during the most active hour. This is not a significant volume. 100 movements or less are not considered significant.

Regarding parking, RSIS requires 24 spaces and 17 spaces are proposed. RSIS also allows other factors to be considered. In her opinion the 17 is a generous number of spaces. The ITE standard would be only 15. They also did observations on weeknights and inventoried Livingston Ave on-street parking and found a number of spaces available. The side streets did not have excess parking. The Livingston Avenue parking can assist in addressing overflow parking, if needed.

The maximum number of occupants under the City's occupancy standards is 44 persons. There is also bus transportation along Livingston Ave. This allows the 1.5 space per unit ratio to meet the parking need.

The driveway is a two-way driveway, which allows drivers to pull out, which improves safety. There is good sight distance from the driveway.

Public:

Jonathan Mills: He expressed concern about the frequency of bus service along Livingston to make an impact.

Regarding on-street parking, was more than one evening studied?

Edward Szabo,

He feels the proposed building is too close to the existing house. He would also like the garbage area moved to the front of the property. He is concerned with smells. He feels the parking supply is not adequate, especially on the side street. He is also concerned about the height and shadows.

Mr. Lanfrit summarized their presentation saying the building is permitted in the zone. It is only before the zoning board because it is not mixed-use and they testified why they felt this was better. It does not encroach on the setbacks. The trash enclosure is the most appropriate place for it as testified at the first hearing.

Regarding traffic, the expert found the on-site is adequate to service the building and on-street parking is available on Livingston.

They have discussed how an office use in this location is not the best use for the property in this location. The height variance is only about 1 foot over the standard.

Motion to approve 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)

VII. NEW 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 application is for site plan approval, FAR variance and various bulk variances. The use is permitted but the lot is undersized. The house is for a fraternity that will house 10 members.

The fraternity had a larger house on Union Street but the membership declined. About 20-30 students are members of the frat. They have searched for 10 years for a new property.

William Vogt, Engineer

A-1 Aerial photo

The site is at 27 Stone Street in the IN-1 zone. The lot is 25x100. He stated the lot size is not inconsistent with other properties in the neighborhood. It currently is a 2-story home with no off-street parking.

A-2 Colorized Site Plan

The proposal is for a 3-story residential building that is 15 feet wide. It is a long, narrow building. There are setbacks along each side yard. A trash enclosure is in the rear of the property. There is also a covered bike shed. A/C units are also in the rear. The property is bounded by a 6 ft vinyl fence. There will be wall mounted lighting along the sides of the building. A street tree will be added but 7 existing trees will be removed. They will plant 21 trees in the rear of the property.

There are two design waivers: 1) foundation plantings on the side of the building as there is no room on the east side and 2) the buffer around the trash enclosure is less than required.

The variances requested are minimum lot area, lot width, front yard setback, side yard combined setback, building coverage, impervious coverage, FAR of 1.5 whereas .8 is

permitted. No parking is provided whereas 5 spaces is required. The only sign is for Greek letters that comply with the standards.

The lot dimensions force the building to be long and narrow. In order to maximize for the use, the building extends deep into the lot.

He feels they will be able to comply with all of the comments in the Board Engineer's memo. Per the memo they will do a test pit for percolation as per the memo.

James Horvath,

He was a member of the frat and has been involved in the alumni association for 40 years. The alumni association owns the house. The chapter was founded in 1959 at Rutgers. The chapter has never been suspended by Rutgers. There are about 25 active members. It averages between 25-30 members over the years. They used to be larger but membership dropped and they sold their larger Union Street house in 2008.

They looked for a new house over the last 10 years. They were outbid 3 times. They bid over asking for this house. They had to buy without a contingency for land use approval. The house is in the zone that permits frats and they were looking for a smaller house.

The existing building is not feasible to use as the occupancy is limited to 2 persons. They expect the fraternity officers and a few others to live there. They have a chapter meeting each Sunday. This provides a place to do that. Horvath says the design will not encourage parties at the house as there is minimal space for this.

The chapter will have a property manager, but the brothers will be responsible for much of the upkeep.

The site allows brothers to not have a car as it is near the Rutgers bus system, the College Ave bike lane and other such amenities. Horvath says Rutgers supports the project.

Christopher Iverson, Vice President of the chapter

They currently use an off-campus house as an unofficial house. The Sunday chapter meetings draw about 17 people. Rush lasts two weeks at the beginning of each semester. They will have about 8 new rushes from about 12-15 interested students. They hold parties off-site, such as at a hotel.

Rutgers incentivizes students to not bring cars to campus. The bus system serves the brothers' needs.

Nicholas Graviano, planner

The basement has mechanical areas, storage and laundry. It is not for congregation. The first floor is accessible. It has an open floor plan living room and kitchen. There is one accessible apartment. The 2nd floor has 4 bedrooms. The 3rd floor has 4 bedrooms. The house will accommodate 10 persons.

He discussed the building exterior and materials.

A-3 Colorized Rendering

The house has a brick façade with a flat roof.

A-4 Colorized Tax Map

The IN zone is the only zone that permits fraternities. There are 109 parcels in the district, with 36 owned by Rutgers with about 75% of the land.

The IN-1 zone purpose is to support the university uses including frats and sororities. Out of the 109 parcels, 17 house existing frats, others are owned by faith based organizations or are larger apartment buildings. There are 42 properties that could potentially accommodate a new frat. 76% of the 42 are undersized. There were no other properties available for assemblage.

The FAR variance is needed. The applicant needs to show if the lot can accommodate the proposed use. The building coverage is only 6.9% above the allowable limit and meets the minimum 5 feet side setback. It meets the height requirement. Few properties in the area have off-street parking.

The positive criteria are met as the use is permitted and provides a modern, safe housing opportunity. The master plan discusses how student housing should be in this area and be modern and safe. It is near transit as the plan calls for.

It meets the purposes of zoning A, G, and I

The negative criteria are met as the plan does not substantially impair the zone plan as the zone is for this type of use, there is storage provided in the basement, the house is of limited size.

The bulk variances for coverage, lot size and width can be granted as C-1 hardships due to the narrowness of the lot.

The other C variances can be granted on a C-2 basis. The front yard setback is in keeping with the neighborhood character. There is no detriment to the zone plan.

The combined setback variance is an improvement over the existing conditions. The building coverage variance is not substantial and can be granted under the C-2 status.

The impervious coverage variance can be granted under the C-2 status.

The parking variance is justified as there is no space on the lot for off-street parking, it is in a transit-rich neighborhood. The house is located near the heart of the Colle Ave campus. The Brunsquick Shuttle also serves the area as well as NJ Transit bus lines. It is also near the New Brunswick train station.

A-6 Map of Rutgers bus system

All the variances can be justified and there are very limited opportunities in the neighborhood to meet the ordinance conditions.

Mr. Patterson asked if adjacent properties were attempted to be acquired. Mr. Graviano said only one adjacent lot would create a conforming lot. Mr. Aithal said the MLUL requires documentation as to attempts to acquire adjacent property. Ms. Sweet said they had discussions with adjacent property owners but have not documented it, but could get this documentation. Mr. Aithal said the MLUL directs the applicant to provide this documentation.

Albert Hakim, Exec Committee of Alumni Assoc

He worked with the real estate agent. They get notices of available properties and they follow up on them. There have only been 3-4 properties that become available over the past 10 years. It is a very competitive market. They do not have money to buy other properties.

He says he asked Rutgers' Dean Schrader to contact the neighbors about selling. Hakim says the Dean got no response.

Ms. McElligott asked if there was anything in writing about the offer. Hakim says they can reach out to the neighbors to get a letter if one does not exist.

Mr. Aithal said the C1 hardship for the lot size is self-created as they knew they were buying it in non-conforming condition. Ms. Sweet said it is not self-created as they did nothing to create the lot as it exists and it is not an uncommon lot size in the neighborhood. The lot appears to pre-exist modern zoning.

Mr. Patterson asked if the FAR variance could be mitigated by reducing the building height to 2 floors as it was testified the house was targeted to the 6 officers. Mr. Hakim said it could be reduced.

Mr. Bletcher asked if the width of the building, 15 feet, was compatible with the zone standards call for on a 50 ft lot. Mr. Hakim said a wider lot would mostly be used to accommodate parking and not increase building width. He said a 15 ft wide house is not unusual in urban locations. The width meets building code standards.

Ms. Chester asked who would be responsible for ensuring the trash is properly stored and put out at proper times. Mr. Hakim said there would be a management person and he is based locally and will observe the situation. Residents will ultimately be responsible but they will be overseen by the property manager.

Public:

Jonathan Mills, 13 Mine Street

They are one of the last homeowners in the neighborhoods. He has concerns about the size and the shape of the building. It extends much longer into the lot than the existing building. It reduces open space. The green area would be reduced by 50% from current conditions.

The flat roof is not compatible with the existing character. The rendering shows how the building will tower over the properties, and this height extends very deep into the lot.

The parking variance is not justified as the area is already crowded with parking. The proximity to the campus doesn't mitigate the demand for parking.

He is concerned about the rules for occupancy and whether parties will occur in a crowded neighborhood. He urged rejection of the application in its present form.

Board Discussion:

Mr. McElligott expressed concern with the flat roof design and flat façade.

Ms. Sweet said if they could get a continuance they could look at a redesign to reduce the FAR.

Ms. Coppola said the Board appreciated the applicant's explanations but they'd like to see the documentation on adjoining properties and reducing the FAR.

The applicant asked to continue the hearing until the July 23rd meeting.

- B. STIRLINGSIDE URBAN RENEWAL, LLC, Z-2017-22**, Site plan and variance application for the construction of a multifamily residential building located at 50 Neilson Street, Block 121, Lots 1.01 and 1.02, Zoning District: R-6

Applicant withdrew the application and it will not be heard.

- C. COLLEGIATE DEVELOPMENT GROUP, Z-2018-08**, Use variance application for the temporary use of an existing residential dwelling as a temporary construction office located at 1 Guilden Street, Block 56 Lot 6, Zoning District: R-5A

Applicant did not notice for the hearing and will not go forward tonight. They will notice for a new hearing date.

VI. OTHER MATTERS OF INTEREST TO THE PUBLIC

Charlie Kratovil invited Board members to the Transpiration Coordinating Committee meeting at the County Admin Building.

VII. ADJOURNMENT