

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
OCTOBER 27TH, 2014
MINUTES
7:30 p.m.**

I. ROLL CALL

	Nancy Coppola,
X	John Cox,
X	Margaret Chester
X	Sue McElligott
	Doug Sheehan (alt)
x	Peter Ventrice (alt)
	Mike Manzella
x	John Zimmerman
	Maria Torrisi

x	Board Attorney AravindAithal
x	Board Secretary/Director of Planning Glenn Patterson
x	Principal Planner Mark Siegle
	Board Planner Henry Bignell
	Board Planner Todd Bletcher
x	Board Engineer Tom Guldin
	Conflict Engineer Chas. Carlie

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS SEPTEMBER 22ND, 2014 MEETING

Motion to Approve: McElligott

Second: Chester

Approved by unanimous voice vote

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

A. SUSAN HUSLAGE, Z-2014-04, Variance application for the construction of an addition located at 23 Delavan Street, Block 214, Lot 14, Zoning District: R-5A

Motion to Approve: Chester
 Second: McElligott

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
Doug Sheehan		
John Zimmerman	X	
Maria Torrisi		
Peter Ventrice (alt)		
Jose Madera (alt)		
Tierream Houser (alt)		
Mike Manzella (alt)		

B. RARITAN HEIGHTS PHASE II, LLC, Z-2014-03 Site plan and variance application for the development of the site located 19 US Highway Route 1, Block 703, Lot 7.02, Zoning District: C-5

Motion to Approve: Zimmermann
 Second: Chester

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
Doug Sheehan		
John Zimmerman	X	
Maria Torrisi		
Peter Ventrice (alt)		
Jose Madera (alt)		
Tierream Houser (alt)		
Mike Manzella (alt)		

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

A. **SILVIO SANTISI, ESTATE OF MARY LANFRIT AND RICHARD GARLATTI, Z-2014-08**), Subdivision and variance application for the creation of a new lot located at 401 Livingston Avenue, Block 340, Lots 1.01 and 3.01, Zoning District: C-3A

James Clarkin, Esq. – The property is at the corner of Livingston and May. The proposal is for the subdivision of 2 existing lots into 3 conforming lots. Variances are required for rear yard setback, building coverage and FAR for the existing house. The FAR and coverage variances are de minimus. The planner will discuss the rear yard variance.

The planning report cites that the driveway on the 2nd lot does not have a house on the lot also and is a non-permitted principal use. It will be eliminated and a new conforming driveway will be constructed. The lots will be offered for sale for single-family homes.

Silvio Santisi, Owner: He is the administrator of the estate and is authorized to make the application. The proposal is to move the lot lines to create 3 conforming lots from the existing two lots.

The house is in good condition. There is an existing driveway on proposed lot C that will be removed before it is subdivided into a new lot. A new driveway will be constructed to serve the existing house. The two new buildable lots will be sold.

Dawn Corcoran Gardella, Planner

The property is a corner lot with 15,000 sf total area and is located in the C-3A zone. The surrounding uses are residential with one and two-family houses. Each new lot would be 5,000 sf, which is conforming for single-family houses.

An FAR variance is needed as the proposed FAR is .31, whereas .30 is permitted. Due to the lots being on a corner, two rear yard setback variances are required and a variance is required.

The FAR is justified as the proposed use and intensity of that use is appropriate for the area. The retention of the existing home creates a hardship in complying with the zoning standards due to the existing footprint of the house and it is a de minimus excess to the standard. If any other permitted use was proposed for the lot, the proposed FAR would comply. It is only non-compliant for the residential use.

The variance can also be justified on a flexible C basis. If the lot lines were moved to remove the FAR variance, a lot size variance would be created.

The MLUL purposes of zoning c, e and j would be promoted by granting the variance. The zone plan would not be detrimentally affected by granting the variance and there is no detriment to granting the variance. The benefits will substantially outweigh the detriments of granting the variances.

Mr. Siegle said the applicant has addressed the issues in his planning report.

The applicant will comply with the City engineering report except that Belgian block will not be used for curbing and they will comply with the City curb standard.

Board: No questions

Public: none

Motion to Approve: McElligott
Second: Chester

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
Doug Sheehan		
John Zimmerman	X	
Maria Torrisi		
Peter Ventrice (alt)	X	
Mike Manzella (alt)		

VIII. ADJOURNMENT