

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
DECEMBER 15, 2014
MINUTES
7:30 p.m.**

I. ROLL CALL

X	Nancy Coppola, Chair
X	John Cox, Vice Chair
X	Margaret Chester
X	Sue McElligott
X	John Zimmerman
X	Maria Torrisi
	Mike Manzella
X	Doug Sheehan (Alt #1)
	Peter Ventrice (Alt #2)
X	Daniel Chedid (Alt #3)
	(Alt #4)

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 Tom Guldin
	Conflict Engineer Chas. Carly

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS OCTOBER 27, 2014 MEETING

Motion to Approve: Cox
Second: Chester
Approved by unanimous voice vote

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

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

Motion to Approve: Cox
 Second: McElligott

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
John Zimmerman	X	
Maria Torrisi		
Mike Manzella		
Doug Sheehan (Alt #1)		
Peter Ventrice (Alt #2)		
Daniel Chedid (Alt #3)		
(Alt #4)		

VI. OLD BUSINESS
 None.

VII. NEW BUSINESS

A. RIAZ KARIM, Z-2014-07, Variance application for the placement of additional concrete in the front yard to remediate a mold situation in the basement located at 71 Juliet Street, Block 320, Lot 16, Zoning District: R-5A

The application was not heard due to an issue with the notice for the application. The application will be rescheduled for a subsequent meeting.

B. ANSHE EMETH MEMORIAL TEMPLE, Z-2014-14, Variance application for the installation of a monument sign located at 222 Livingston Avenue, Block 228, Lot 19.02
 Zoning District: C-3A

Marc Bush, Esq – representing the applicant.

Ronald Struminger, representing the temple as a congregant. They are proposing a monument side on the Livingston Avenue side to identify the temple. (A-1 Sign photo and rendering). The sign will be lighted by an upward facing light placed near the bottom of the sign.

John Janis – Owner of Butler Sign Co. He designed and will install the proposed sign. He stated he has testified in front of about 70 different boards for sign approvals. The sign replicates masonry material in its look but is made of foam. The sign is 5 ft in height from grade in height, whereas 6 ft is permitted.

The sign is proposed to be located in the front yard, in-board from the sidewalk. The building façade would not accommodate an appropriate sign. The sign is setback 8 feet from the Delavan and 3 feet from the Livingston front property lines. The Livingston Ave. setback violates the front setback standard. Mr. Janis stated that to comply with the ordinance setback would require removal of the landscaping in front of the building and the sign would not be as visible.

Ms. Chester asked about the durability of the foam sign. Mr. Janis said it could withstand a poke from a pen but might dent from a kick.

Public: None

Mr. Patterson read conditions related to approval of the project.

Motion to Approve with the conditions: McElligott

Second: Zimmerman

	Yes	No
Nancy Coppola, Chair	X	
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
John Zimmerman	X	
Maria Torrisi	X	
Mike Manzella		
Doug Sheehan (Alt #1)	X	
Peter Ventrice (Alt #2)		
Daniel Chedid (Alt #3)		
(Alt #4)		

C. PENTECOSTAL COUNCIL CHURCH OF GOD, INC Z-2014-10, Site plan and variance application for the construction of a parking lot located at 186 Commercial Avenue, Block 195 Lot 23.01, Zoning District: R-5A

Mr. Patterson stated that the applicant will present both this and the following application together as they are related. He stated the two application sites are across the street from each other and therefore are classified as two separate applications. However, both the church and the parking lot are intended to function as one integrated project.

Peter Lanfrit, Esq described the church that currently exists at 186 Commercial. The plan is to replace the church with a new church at 176 Commercial and to build parking for the new church at 186 Commercial. The parking use would be the principal use of the 176 Commercial lot. This creates a use variance for this lot. There are also several bulk variances.

Mark Yarrington, Archt. – The existing church is in a tired state and is small for the congregation. He reviewed the plans submitted for approval.

The building is about 90'x90' with a stucco exterior with metal accents. The building height is 48'9", with the steeple height of 70'8". The roof height at the edges is 24', approximately. The higher height is necessary to accommodate the building systems, such as HVAC for the building. There will be low-impact security lighting on the exterior.

The interior contains a sanctuary and church offices. There is also a mezzanine area. No seating is proposed for the mezzanine at the present time, but could be accommodated there later. A basement is beneath the full first floor and will be used for a fellowship hall.

Pastor Luis Gonzalez, pastor of the church.

He has been the pastor for the past 10 years. The building has been there about 45 years. It was converted to a church about 20 years ago. The seating capacity is about 150 people. Services are Tuesday and Thursday nights and Sunday mornings and evenings. About 40 people attend on Tues/Thurs. On Sunday morning, about 100 people attend bible school, with 130-140 attending on Sunday evenings. Many congregants walk or are shuttled to church. About 25% drive to services. They need a new church as they are growing. There is no fellowship hall or meeting room in the current church. This does not allow for cooking for their soup kitchen and congregants cook food at home. They also do not have space to meet about community issues. The fellowship hall is not intended to be rented out. The new church would tend to keep the same usage hours. Both the church and the fellowship hall would not be used at the same time.

The current church does not generate complaints about parking for the services. They also have a letter from the Robeson School stating that the church can use the school lot for parking (A-1).

Robert Gazalle, Engineer.

He prepared two site plans, for both the church and the parking area.

The 176 Commercial lot is currently vacant that used to be the location of the "Neighborhood House". An 8,000 sf church building would be constructed on this lot. Variances are required for both rear yards, building coverage and impervious coverage. Churches are a conditional use in the zone. The bulk standards are the same as for residential uses in the R-5A zone.

An underground detention basin is proposed to handle stormwater. There will be security lighting and ground landscaping.

At 186 Commercial, the current church will be demolished. It is nearly 100% impervious now. A 23-space parking lot is proposed, with landscaping including plantings and a decorative fence. Lighting will be provided through 14 ft high LED lights. There is no spillage to adjoining properties. The lighting will only be used when functions are on-going. The impervious coverage is being reduced but still higher than the maximum allowed.

Trash will be stored in cans that will be stored in a screened area.

The applicant will comply with the comments in the Bignell planning report and the City Engineer's report.

Kevin O'Brien, Planner

Three uses variances are needed for the church: D3 conditional use, FAR and D6 height. Churches are deemed inherently beneficial under New Jersey land use law. The church also serves the growing Hispanic population in town. The site is particularly suited for the use as it is where the church currently exists. The master plan discusses community facilities including creating community spaces with defensible design. The plan also calls for sustainable mixed-use neighborhoods. The application also supports the purposes of the MLUL: A – appropriate development of land, G - provide sufficient space for a variety uses and I – promote a desirable visual environment.

The project meets the positive criteria as it is inherently beneficial. It meets the negative criteria as it is beneficial to the community, there are no detriments from its development, there are no conditions of detriment that need to be mitigated and the public interest benefit outweighs the lack of detriment. As the site is suitable and there are no negative consequences, the conditional use variance is supported.

The height and FAR variances are supported by the discussion in Cox, Zoning and Land Use Administration, where it is discussed that the test is whether the site can accommodate the size of building. The plans show that the site can accommodate the height and FAR. There will be no detriment to the public good and no impairment of the zone plan.

Mr. Patterson read conditions of approval related to the two applications

Public: None

Motion to Approve with the conditions stated: Torrisi
Second: Chester

	Yes	No
Nancy Coppola, Chair	X	
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
John Zimmerman	X	
Maria Torrisi	X	
Mike Manzella		
Doug Sheehan (Alt #1)	X	
Peter Ventrice (Alt #2)		

Daniel Chedid (Alt #3)		
(Alt #4)		

D. PENTECOSTAL COUNCIL CHURCH OF GOD, INC Z-2014-11, Site plan and variance application for the construction of a place of worship located at 176 Commercial Avenue, Block 192 Lot 19.01 Zoning District: R-5A

Motion to Approve with the conditions stated: Chester
 Second: Torrisi

	Yes	No
Nancy Coppola, Chair	X	
John Cox, Vice Chair	X	
Margaret Chester	X	
Sue McElligott	X	
John Zimmerman	X	
Maria Torrisi	X	
Mike Manzella		
Doug Sheehan (Alt #1)	X	
Peter Ventrice (Alt #2)		
Daniel Chedid (Alt #3)		
(Alt #4)		

VIII. ADJOURNMENT