

Zoning Board of Adjustment
City of New Brunswick
November 28, 2011

Roll Call:

x	Nancy Coppola, Chair
x	John Cox, Vice Chair
x	Deborah Celey
x	Kim Maloney
x	Margeret Chester
x	Scott Elias
x	John Sutton (alt)
x	Sue McEligot (alt)
x	Doug Sheehan (alt)

Open Public Meetings Statement was read

Salute to the Flag

Minutes

Approval of the minutes of the Board's October 24, 2011 meeting

Motion by: Chester

Second by: Cox

Approved unanimously

Resolutions of Memorialization:

None

Old Business:

None

New Business:

Francisco Garcia, Z-2011-13, 156 French Street, Block 165, Lots 17, 18.01, 10, Zoning District C-2A, Site plan and variance application.

James Clarkin, Esq., - application is for demolition to two existing buildings and construction of a new 4-story building with retail on the ground floor and 21 2BR apts on the upper floors.

8 underground parking spaces are proposed. Lot consolidation will also be done.

The lots on French St are in the C-2A zone and the Seaman St lot is in the R-5A residential zone where the use is not permitted.

Per the TAC suggestions, the size of the project has been downsized and parking spaces added. Commercial space has been reduced by almost 50%. The addition of parking creates the impervious surface variance.

Some variances are due to the shape of the lot, others are due to conforming to the character of the neighborhood, e.g., front yard setback is generally zero in the area.

Signage issue has arisen at 132 French St., which is also owned by the applicant. They are putting in the 156 French leases a requirement that the owner to submit all signage applications so that a situation similar to 132 French Street does not occur again.

Lawrence Johnson, Architect -
A-1 and A-2 – rendered building elevations
Siding is “hardi-board”.

The front facade is planned to have signage awnings. The Seaman St will also have awnings but no signs. Signs are not part of the presentation. The residential entrance is from Seaman Street. The applicant will look to upgrade the aesthetics of the residential entrance per the planner's report suggestions. One commercial entrance will be off of Seaman Street. The parking will also be accessed off Seaman Street. It is completely under the building.

The building height is 40 ft, which is permitted. HVAC equipment is on the roof and will be screened by the parapet. An elevator is provided for access to the upper floors and basement. The basement is strictly for storage for the commercial space.

A-3 and A-4, rendered floor plans
Stores all have 2 means of egress. On the upper floors, there is a rear stairway for the 2nd egress.

There are 7 apts on each of the 3 upper floors. Each unit has 2BR, plus liv/din room, kitchen, bathroom. Each floor has a trash chute where trash is disposed of into a trash room. Trash pickup is 6 days per week. There are no laundry facilities. Each unit has an occupancy of 4 people.

Noel Young, Engineer
Existing on the site are 3 lots with 2-story commercial building, a residential lot and a vacant lot. All structures will be demolished.

The improvements include an approximately 3,000 sf commercial area on ground floor and 21 apts on the upper floor. The building has minimal or no setbacks and that violates the zoning setbacks. However, the setbacks are consistent with the character of the neighborhood. The parking access is off Seaman Street. The trash and recycling storage area is in the rear of the

parking area. Bicycle parking is also provided. Fencing is provided between the adjoining lot.

There is no change in grade. Roof drains will pipe flow directly to the street. Lighting is provided through ceiling lights in the parking area and wall lights to light the rear yard. Light will not excessively spill off the site. The alleyway between 156 and 150 French will be a concrete path and will be lighted by wall mounted lights.

Providing the required loading area is not feasible due to site constraints.

Applicant offered to require that no commercial space be leased to restaurants or uses that require any outside equipment such as chillers. The basement will be used for storage only. Applicant, i.e. the owner, will make all applications for signage, not the tenants.

Thomas Bogdan, Planner

Test case for FAR is the Coventry case regarding whether the site can handle the extra floor area. The project is keeping to the setback character even though setback variances are required. This may be one of the few lots on French that provides on-site parking.

Board previously approved 150 French with 3.2 FAR while this property is 2.9. Project also eliminates 8 existing units, so the net increase is 13 additional units and existing units had more bedrooms.

Most residents in the French neighborhood do not have car access and the neighborhood accommodates this with services, housing and jobs provided in the immediate neighborhood. Applicant will agree to giving up all parking permits that they might be eligible for. A site visit today showed not all spaces occupied with cars. Public transit is available on French Street. This is a privately financed project that is not relying on public subsidies.

In flexible C analysis the benefits outweigh the detriments.

Coverage variance is justified as it enables the applicant to provide the under building parking.

Lot 17 on Seaman is in the R-5A zone and a use variance is required. The lot is adjacent to the commercial zone. The use variance will not impair the zone plan.

The setback variances are justified to be consistent with the adjoining buildings.

The parking is for the commercial tenants and customers as residents do not request this. Spaces would be available to tenants at both 132 and 150 French Street.

Patterson: Two adjacent buildings owned by the applicant have 16 apartments and no parking. Residents would not likely request parking as none is physically available.

Clarkin: Applicant will make parking at 156 French available to residents and commercial tenants of 132 and 150 French if there are available spaces at 156 French after the demand for space at 156 French is met.

Family member checks up on the property on a daily basis for property maintenance conditions. This will continue and this property will be included the regular inspections.

Public:
None

Board Discussion:

How will trash chute work to handle the volume?

Bogdan – the chute is for residential trash. Recycling has a buckets on each floor that will be in the “chute” room. They will be emptied regularly by the owner's staff.

Motion: Celey to approve with conditions

2nd: Sutton

		Yes	No
x	Nancy Coppola, Chair	x	
x	John Cox, Vice Chair	x	
x	Deborah Celey	x	
x	Kim Maloney	x	
x	Margeret Chester	x	
x	Scott Elias	x	
x	John Sutton (alt)	x	
	Sue McEligot (alt)		
	Doug Sheehan (alt)		

New Life In Christ Church, Z-2006-37, 3 Lawrence Street, Block 275, Lot 14.01, Zoning District R-5A, Site plan and variance application

Pat Bradshaw, Esq. - Board granted use variance approval in 2006 to the project for the use. It is a D3 conditional use in the zone. The project is larger than proposed in 2006 as occupancy increases from 150 to 175, but they provide more parking.

Kevin D Pleasant, Pastor

Church currently shares space with Christ Church on Paterson St.. This project provides for their own space for congregation. Church was founded in 1984 and it provides programs to the community. The congregation comes from New Brunswick and surrounding towns. The congregation is now about 15 families.

The neighborhood is improving with Fulton Sq development and want to add to the improving neighborhood. The building has been used as a warehouse. Church owns the property.

They have a parking agreement with Rainey's Repair Center next door to provide 26 additional parking spaces. There are two primary services, one on Sunday and one during the week. Rainey's does not operate in the evening and the parking on his site is available during worship times. Looking to build the congregation to up to 200 members. They may provide multiple services if the occupancy exceeds 175 people.

Kurt Ludwig, Archt

A-1 Rendered Elevations

Existing building is a masonry warehouse. A new masonry skin will be provided. The building will be built out in phases.

A-2 Floor Plan

Phase 1 is the front of the building and the site work. Phase 2 is a mezzanine area and Phase 3 is an auditorium in the rear of the building.

The proposed sign is 16x3 on the facade. Lighting will provided at the door areas.

Ron Sadowski, Eng

A-3 Rendered site plan

Parking area has 17 spaces including a van accessible space. A dumpster pad is in the rear of the parking area. Landscaping is provided along the east and west boundaries of the parking area. The applicant can comply with all the staff engineering comments. The applicant can also comply with the Bignell planning report comments except the comment about the front yard landscaping. The landscpaping deviates from the standard so as to provide adequate parking.

Chester – is all site work part of Phase 1? Sadowski – yes

John Leoncavallo, Planner

Bulk variances are required for parking (18 for 68 required), with 26 provided remotely. The buffer standard is violated. The building coverage exceeds the standard, but is an existing building. FAR is violated but it is a de minimus exceedance. Per Coventry Square conditional use standard, the burden is to show that the site is suitable for the permitted use.

The master plan calls for elimination of non-conforming uses, such as the warehouse use that this property has been used for in this residential zone and substituting conforming uses, which the church is a conditional use. It also reuses vacant industrial building.

It furthers the MLUL as church uses are being encouraged to provide a variety of religious uses and the aesthetics of the site are improved.

A-4 Photo packet

Photos show the condition of surrounding properties and their uses plus the condition of the

site.

The application promotes the general welfare and it improves safety by modernizing the existing building. The bulk variances are justified on a C2 basis as the benefits outweigh the detriments. There are no negative impacts as church is a positive use and will not negatively impact the zone plan as a church is a conditional use.

Chester: former resident of the area and this will be an improvement.

Public:
None

Motion: Cox to approve with conditions
2nd: Celey

		Yes	No
x	Nancy Coppola, Chair	x	
x	John Cox, Vice Chair	x	
x	Deborah Celey	x	
x	Kim Maloney	x	
x	Margeret Chester	x	
x	Scott Elias	x	
x	John Sutton (alt)	x	
	Sue McEligot (alt)		
	Doug Sheehan (alt)		

Anne Egan, Z-2011-12, 50 Bartlett Street, Block 74, Lot 29.01, Zoning District R-5A, Variance application.

Pat Bradshaw, Esq.

Project is to demolish an existing 1-family dwelling and construct another 1-family dwelling. The existing house is not up to code and in poor condition. The use is permitted but a D4 FAR variance is required.

Kurt Ludwig, Archt

A-1 Rendered Elevations

Dwelling is designed to complement the existing neighborhood. Exterior will be vinyl siding. Building is on a slab foundation.

The ground floor is an open floor plan with dining, kitchen and living room. 2nd floor has 4 bedrooms and 2 bathrooms. A total of 6 bedrooms. The 3rd floor has 2 bedrooms and a bathroom. There is no basement. There is no habitable space in the attic area.

The applicant will limit the occupancy to 10 persons. The existing house had an occupancy of 8 or 9 persons in 5 bedrooms.

Ron Sadowski, Engineer

A-2 Rendered Site Plan

4 parking spaces are proposed in the rear of the property. An impervious coverage variance is created. Lighting is provided from a wall-mounted light on the rear of the building to light the parking lot.

The property will drain from the rear to the street and will not impact adjacent properties. A dry well was recommended but engineer feels it is not needed as only 2 gallons of extra runoff per second in a 100-year storm.

3 foot buffer area at the rear can not be provided and meet the drive aisle standard of 24 feet. They will provide a landscaping plan to comply with the City standard. Patterson and Guilden suggest that a 21 foot drive aisle is adequate given the low demand in the parking area. Applicant will amend the plan to show a 3 foot buffer area and 21 foot drive aisle.

The increased runoff will be reviewed by the City Engineer to find an alternative to the dry well.

John Leoncavallo, Planner

A-3 Photo packet of 12 photos.

Property is near the Rutgers campus. Adjacent houses are 1 and 2 family houses. The Lincoln School is adjacent to the south. Proposed use is a single family.

Anne Egan – are only 3 homeowners are in the area. The area is dominated by students.

Leoncavallo – Master plan says there is a shortage of student housing and the 6 bedrooms here will address this need. It is near public transportation. Applicant offered to give up any residential parking permits.

The proposed use matches the style of housing in the area.

It meets master plan goals of providing new, quality housing to meet lifestyle choices, e.g., student housing. The density is appropriate to the existing neighborhood.

The FAR maximum is .35 and .61 is proposed. A-4 is an analysis of FAR's in the neighborhood. Most houses are above the .35 standard and many are substantially above the standard and what this project proposes.

There are no negatives to the public good and the positives substantially outweigh the detriments as it supports various MLUL purposes. Variances are justified under a C2 analysis for the bulk variances.

The D4 variance is justified as the intensity is not more than the surrounding properties.

Aithal – address how complies with court rulings on FAR variance justifications.

Patterson – how does the applicant address that City reduced the FAR standards in 2004 and this is like the pre-2004 standard the City eliminated? Bradshaw – are reducing the occupancy.

Jos Egan,

Willing to post signs regarding occupancy of each bedroom.

Maloney – it is a new home, why is the house larger than allowed.

Joe Egan – larger bedrooms are an appeal for renting and are more spacious for students.

Maloney – can see it becoming a party house.

Jos Egan – Lease will include provision against any organized clubs, eg. Frats in the house.

Public:

None

Motion Sutton to approve with conditions

Second Cox

		Yes	No
x	Nancy Coppola, Chair	x	
x	John Cox, Vice Chair	x	
x	Deborah Celey	x	
x	Kim Maloney	x	
x	Margeret Chester	x	
x	Scott Elias	x	
x	John Sutton (alt)	x	
	Sue McEligot (alt)		
	Doug Sheehan (alt)		

Adjournment: 10:30 pm