

**CITY OF NEW BRUNSWICK
PLANNING BOARD
MARCH 12TH, 2013
MINUTES
7:30 p.m.**

I. ROLL CALL

	Suzanne Ludwig
x	Linda Hunter
	David Fitzhenry
x	Joseph Catanese
	Dayra Azcona
	Michael Drulis (Class I)
x	Kevin Jones (Class II)
	Betsy Garlatti (Class III)
x	Josepha Rojas(Alternate #1)
x	Carly Neubauer(Alternate #2)

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

**IV. MINUTES OF THE BOARD'S FEBRUARY 19TH, 2013 MEETING
MOTION JONES
2ND CATANESE
APPROVED**

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

- A. MATRIX UPPER LOT URBAN RENEWAL, LLC, PB-2013-02, Site plan application for the construction of a multi-family dwelling with associated parking garage located at the intersection of New Street and Neilson Street, Block 117.01 Lot 3, Zoning District: C-4**

Motion to Accept: Jones

Second: Catanese

	Yes	No	Abstain
Suzanne Ludwig			
Linda Hunter			
David Fitzhenry			
Joseph Catanese	x		
Dayra Azcona			
Michael Drulis (Class I)			
Kevin Jones (Class II)	x		
Betsy Garlatti (Class III)			
Josepha Rojas(Alternate #1)			
Carly Neubauer(Alternate #2)	x		

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. RUTGERS UNIVERSITY, S31-2013-02, Section 31 Master Plan Consistency review for the plans for the expansion to the Nichols Music Center located at Block 111 Lot: 1.02 Zoning District: IN-2

Frank Wong, Exec Director of Development at Rutgers

A-1 Cook/Douglass campus map

Project 1: Addition to the Nichlas Music Center, cited between the music building and Hickman Hall. It is a 3-level addition to the music center to expand it and allow it to organize uses more efficiently.

A-2 Rendering of the Music Center addition.

The addition will be complimentary to the existing architecture

Project 2: Institute for Food, Nutrition and Health. It is located in an existing parking lot on Dudley Rd. It will address how nutrition affects health. It will include food facilities and be a focal point on the campus. Construction will start in the fall of 2013 and be completed in 2015.

Both projects are academically oriented and cited within the Cook Douglass campus.

Patterson: the project is consistent with the Master Plan and with the zoning for the IN-2 district.

Motion to find the project consistent with the City's Master Plan and recommend that Rutgers follow the technical recommendations made to them by the TAC.

Jones
2nd Catanese

Motion to Accept:

Second:

	Yes	No	Abstain
Suzanne Ludwig			
Linda Hunter	x		
David Fitzhenry			
Joseph Catanese	x		
Dayra Azcona			
Michael Drulis (Class I)			
Kevin Jones (Class II)	x		
Betsy Garlatti (Class III)			
Josepha Rojas(Alternate #1)	x		
Carly Neubauer(Alternate #2)	x		

B. RUTGERS UNIVERSITY, S31-2013-03, Section 31 Master Plan
Consistency review for the plans to construct a new Rutgers building located on Block 700 Lot 4.02 Zoning District: IN-2

Motion Motion to find the project consistent with the City's Master Plan and recommend that Rutgers follow the technical recommendations made to them by the TAC.: Catanese

Second: Neubauer

	Yes	No	Abstain
Suzanne Ludwig			
Linda Hunter	x		
David Fitzhenry			
Joseph Catanese	x		
Dayra Azcona			

Michael Drulis (Class I)			
Kevin Jones (Class II)	x		
Betsy Garlatti (Class III)			
Josepha Rojas(Alternate #1)	x		
Carly Neubauer(Alternate #2)	x		

Mr. Drulis is now in attendance also.

C. 135 SOMERSET MEWS,LLC, PB-2013-06, Site plan, variance, and minor subdivision application for the addition of two (2) additional parcels of land to create a pedestrian entryway to the proposed building from Easton Avenue and other site improvements located at Somerset Street, Condict Street, and Easton Avenue, Block 49, Lots 4,6,7,8, 10, 25, 26, 26.01, 27, and 32.01, Zoning District: C-4

Thomas Kelso, Esq – the application seeks amended site plan approval, minor subdivision and variance approvals. The original project was approved about a year ago for a 16-story mixed use building with retail and residential uses. It included 238 residential units. Additional property has been acquired by the applicant along Easton Avenue that allows pedestrian access to the building from Easton Avenue. They are under contract to acquire the NBPA surface parking lot on Easton Avenue. An additional Somerset Street property was also acquired and is intended to be subdivided.

The minor subdivision requires 2 variances for lot width for an existing condition and lot size variance for a 2900 sf lot. It is currently undersized but will be smaller after subdivision, but the depth will be similar to adjoining lots.

The variance for the proposed building is for the elimination of a step back at the upper level on the Somerset St. side that creates a violation of the sky exposure plane. This is due to a change in the bedroom mix in the project to allow for two-bedroom affordable units to be included in the project. The step back was at the 95 ft. level. The Condict Street sky exposure plane is not affected.

The change in bedroom mix creates a parking variance. They feel it is a minimal variance as the unit count stays the same and the project is located near transit and is walkable to shopping and employment.

The parking lot to be acquired has 2 easements on it. The easement to lot 32 is has a metes and bounds designation and has been accommodated. The easement for lot 30.01 also has an access easement, but it is in dispute about whether vehicular access is allowed. The applicant believes it is not and has designed the project that way. If a determination is made by a court or other body

with jurisdiction that vehicular access is allowed, they recognize that this design could not go forward. They hope to negotiate a settlement with the adjoining property owner. The variances are not affected by this dispute.

The height variance required for the original approval is no longer needed as the lot size has increased and the project now meets the lot area size for a higher height allowed under the graduated density ordinance and it now complies.

Dan Dougherty, Engineer:
A-1 Aerial map of project area
A-2 Site Plan Rendering

The building is located on essentially the same space as originally approved. The parking deck has 6 less spaces than originally designed due to a more fully designed parking layout plan. The building has been set back on the side yard on the Somerset Street side to 7 feet as required by the Board.

Residential and retail access is off of Somerset as in the original, with parking access and loading off of Condict Street.

The building height changes to 164 feet, which complies with the height limitation.

Lot 4 is a flag lot that is contiguous to the original parcel in the rear of lot 4. The NBPA lot is contiguous to lot 4. The rear of lot 4 where it is contiguous will be subdivided off, leaving a slightly shorter lot 4. Variances for lot width and lot size are required, though the width is not changing. The lot depth is similar to the adjacent lots.

The NBPA lot has a metes and bounds easement for access to lot 32. This area will remain paved to allow access by vehicles.

A pedestrian walkway will go from Easton Ave to the mixed use tower's lobby. There is an elevation change of about 6 feet. The walkway will be barrier-free and ADA compliant. Retaining walls will be along the sides to address the grade change. There will also be a landscaped area that will be several feet below the grade of the walkway.

A-3 Walkway Rendering

There will be a gate at Easton Avenue to allow project residents to control access due to the confined nature of the lot.

The site plan has a note stating there is a location for a proposed access to adjacent lot 30.01 for access. It is left vague as the development of the adjacent lot has not been finalized. It can be created in the future when adjacent property owner's plans become finalized.

Mike Drulis – where is the easement vehicular access area?
Dougherty showed this on the site plan.

Peter DeWitt, Architect
A-4 Ground floor plan

The entrance is located in the same location as in the original plan. The loading dock is off of Condict Street. There is bike storage off of the loading area. There is 8800 sf retail space on Somerset Street.

A-5 Somerset Street Rendering

A-6 Building elevation, A-7 Building perspective elevation

The building setback at the 95 ft elevation level is eliminated but the lower set back as proposed in the original plan is retained. This creates a variance for the sky exposure plane. This allows for additional 2BR units to be included in the floor plan.

A-8 Condict Street elevation

The building elevation here retains the step back at the 95 feet level.

A-9 Condict Street perspective.

A-10 Building elevation south

Charles Olivo, Traffic Engineer

The parking required is 252 spaces with 242 provided. He believes this is a de minimus deviation from the standard. The area has excellent public transportation within walking distance. There is also excellent walkability in the area via the well developed sidewalks and street layout. The pedestrian access from Easton improves the pedestrian access site. About 25% of New Brunswick residents use transit for journey to work. The ITE Journal recently published a study found proximity to transit reduced the demand for parking and in situations like this, a parking demand of about .5 spaces is generated, whereas about .8 is being provided.

The unit count in the project has not changed but the bedroom count has increased.

The parking count provided is more than adequate to meet the demand.

Drulis, what is the requirement? 252 with 242 provided.

Is there valet to be provided? No.

Olivo – most decks in high rises have excess capacity due to over requirements.

John McDonough, Planner

A-11 Photos, maps and aerials of the project site.

The additional lot size provides a pedestrian corridor to Easton Ave. for the project, which increases accessibility and connectivity. Also, 20% of the units will be set aside as affordable housing. The site is also within the City's NJDOT

approved transit village. There is no additional density from the removal of the set back on Somerset Street.

The lot size and width for the subdivided lot are similar to other existing conditions.

The parking variance is justified as it is de minimus and is supported by good transit and walkability.

The project supports several purposes of zoning and meets the negative criteria.

Public:

Peter Vignuolo, Esq on behalf of David Abeseilman, the adjoining property owner. As referenced there is a dispute about an access easement. The easement is referenced in two documents that were part of the application and all parties consider part of the record. He requests the Board carry the application due to the dispute.

Kelso – they object to the request as the dispute doesn't related to the site plan review. They recognize they are proceeding at their own risk. If a court or other body does not agree with their position, they will have to come back to the board.

Vignuolo – if the application is approved the board could become involved in the dispute.

Kelso – he believes it is the opposite.

Vignuolo – the parties are negotiating and they want the objections on the record about the access easement.

Kelso – No objection to the board findings reflecting the dispute

Charles Kratovil,

Plan for the walkway is very nice and an improvement. How many 2BR previously? There were 42 and are now 58. Why does the set back sky exposure plane have to be violated? This is a recently adopted ordinance and should be respected.

The project also has an abatement and this impacts the school system revenue. The increase in 2BR will increase the number of children generated by the project and will negatively impact the school finances.

Bucca – The Planning Board deals with land use issue and the MLUL does not include school finances as an issue for the board the consider.

Motion to Accept: Catanese to approve with the conditions cited by the secretary

Second: Jones

	Yes	No	Abstain
Suzanne Ludwig			
Linda Hunter	x		
David Fitzhenry			
Joseph Catanese	x		
Dayra Azcona			
Michael Drulis (Class I)			
Kevin Jones (Class II)	x		
Betsy Garlatti (Class III)			
Josepha Rojas(Alternate #1)	x		
Carly Neubauer(Alternate #2)	x		

Adjourn: 9:25 PM