

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
MAY 20TH, 2013
MINUTES
7:30 p.m.**

I. ROLL CALL

X	Nancy Coppola,
x	John Cox,
	John Sutton
X	Margaret Chester
X	Scott Elias
X	Sue McElligott
X	Doug Sheehan (alt)
	Peter Ventrice (alt)
x	Jose Madera (alt)
	Tierream Houser (alt)

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS APRIL 22, 2013 MEETING

Motion to approve: Cox
Second: McElligott
Approved unanimously by voice vote

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

- A. 12 LAUREL PLACE CORPORATION, Z-2009-18**, Variance application for the construction of a two-family duplex located at 12 Laurel Place, Block 413, Lot: 17.01, Zoning District: R-5A
Motion to approve: McElligott
Second: Sheehan

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	X	
John Sutton		

Margaret Chester		
Scott Elias		
Sue McElligott (alt)	X	
Doug Sheehan (alt)	X	
Peter Ventrice (alt)		
Jose Madera (alt)		
Tierream Houser (alt)		

VII. OLD BUSINESS

None..

VIII. NEW BUSINESS

- A. 411 JOYCE KILMER AVENUE, LLC, Z-2012-15,** Variance application for the use of the existing space for the operation of a place of worship located at 411 Joyce Kilmer Avenue, Block 321, Lot 2.01, Zoning District: I-1

William Simcox, owner – The uses on the property are the city teen center, a day care center, a gym and a Board of Ed supply space plus a vacant space that this the subject of this application. The intended use is as a church. The church meets on Sundays, some weeknights and Saturday. The church is All Nations Christian Church, which has a 25-person congregation.

There are 62 parking spaces, which is sufficient parking as the church meets when other uses are not active, such as the day care center. The Bible study meets 8-10PM on Monday and Friday only.

McElligott – what about the Saturday hours and conflicts with the youth sports complex. Simcox. – he doesn't share parking with the YSC.

Edward Bogan, Engineer – The church will be in the 2-story portion of the building. A-1 rendered site plan. –The on-site parking is sufficient due to the non-conflicting hours with the other uses on-site.

Keenan Hughes, Planner –

A use variance is sought. Courts have found churches to be an inherently beneficial use. The use will go in space formerly used by the teen center and will be a less intense use than the teen center use. The shared parking analysis shows that the site can accommodate the parking demand of the combined uses. Allowing the church advances the public interest by locating here with little or no detriment to the zone plan. The parking variance is justified on a C2 basis as it supports an inherently beneficial use and uses existing facilities more efficiently. None of the existing variances on site will be exacerbated.

Public – None

Motion to approve with conditions Chester

Second: Chester

	Yes	No
Nancy Coppola, Chair	X	
John Cox, Vice Chair	X	
John Sutton		
Margaret Chester	X	
Scott Elias	X	
Sue McElligott (alt)	X	
Doug Sheehan (alt)	X	
Peter Ventrice (alt)		
Jose Madera (alt)	X	
Tierream Houser (alt)		

B. 409 JOYCE KILMER AVENUE, LLC Z-2013-03, Variance application for the use of the building for medical/professional offices located at 409 Joyce Kilmer Avenue, Block 286.01, Lot 1.01, Zoning District: I-1

Michael Gast, Esq – a use variance is sought for professional office use. General offices are permitted, but applicant seeks professional office use in addition to general office use. There is no exterior construction involved. All 3 floors of the building are intended to include office and professional office space.

Dan Ross, Principal

The property was originally an industrial property and has since been used for warehousing, manufacturing and office space. The seek to add professional office space as the warehousing market has diminished and the building has vacancies.

Peter Campisano, Architect –

The building exterior has been upgraded with new larger windows and other upgrades in anticipation of using the building for offices. They are looking to do the interior fit out now. The total building gross floor area will be about 58,000 sf. The parking on-site is sufficient for the professional office use as there are 172 parking spaces including 10 handicapped spaces. There is room on-site for constructing additional parking also.

A-1 Photo display of the site –

Justin Auciello, Planner

The site is well suited for professional office use due to its accessible location near Livingston Ave and Joyce Kilmer and proximity to a residential neighborhood. The zone also permits more intense uses. This use will not have a substantial detriment to the area. The use would advance the general welfare, reusing the existing building and improve the aesthetics of the area.

Tom Guldin – how do large trucks enter and exit the site?

Ross – They enter the large parking lot, go the rear and exit the auxiliary driveway out.

Guldin – concern is conflict with patients in the parking area used by trucks. The loading dock towards the front of the building could create a conflict with the patient users.

Campisano – 7 spaces near the front dock can be eliminated

Patterson – applicant should submit a parking circulation plan showing where patient parking will be and how trucks will circulate through the site. Also provide a new parking calculation assuming all floors professional office.

Public – none

Motion to approve: Cox approve with conditions

Second: Chester

	Yes	No
Nancy Coppola, Chair	X	
John Cox, Vice Chair	X	
John Sutton		
Margaret Chester	X	
Scott Elias	X	
Sue McElligott (alt)	X	
Doug Sheehan (alt)	X	
Peter Ventrice (alt)		
Jose Madera (alt)	X	
Tierream Houser (alt)		

- C. JOSE AZCONA & PEDRO FERNANDEZ, NU-2013-01**, Certification of Pre-Existing Legal Non-Conforming Use or Structure (NJSA40:55D-68) for the use of the third floor as two-rooming units located at 134-138 Throop Avenue, Block 211 Lot 23.01 Zoning District: R-5A

The hearing was postponed until June 24 at Council Chamber as the planner could not be at the hearing. No further notice will be provided.

- D. 1130 NB REALTY, LLC, Z-2013-02**, Variance application for the use of the property as a pet grooming and boarding operation located at 1130 Somerset Street, Block 597.01 Lot 10, Zoning District: C-6

Mr. Aithal – When he saw the applicant tonight he realized he had previously represented the principal and felt this was a conflict. He will provide the board with a substitute counsel for next month's meeting. The hearing is postponed until June 24, with not additional notice necessary.

IX. ADJOURNMENT