

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
NOVEMBER 25TH, 2013
MINUTES
7:30 p.m.**

I. ROLL CALL

	Nancy Coppola,
x	John Cox,
X	Margaret Chester
X	Sue McElligott
X	Doug Sheehan (alt)
X	Peter Ventrice (alt)
	Jose Madera (alt)
	Tierream Houser (alt)
X	Mike Manzella (alt)
x	John Zimmerman

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARDS OCTOBER 28TH, 2013 MEETING

Motion to approve: Chester

Second: McElligott

Approved by unanimous voice vote.

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

- A. DEEPAK BHUMBRI, Z-2013-04**, Variance application for the expanded hours of operation of an existing convenience store located at 82 Senior Street, Block 87, Lot: 23, Zoning District: R-5A.

Motion to approve: Chester

Second: Manzella

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair		
Margaret Chester	X	
Sue McElligott	X	

Doug Sheehan	X	
Peter Ventrice (alt)	X	
Jose Madera (alt)		
Tierream Houser (alt)		
Mike Manzella (alt)	X	
John Zimmerman	X	

B. DOUGLAS DALTON, NU-2013-02, Certification of a pre-existing legal non-conforming use or structure for the conversion of a garage into habitable area located at 23 North Pennington Road, Block 746, Lot 15, Zoning District: R-3

Motion to approve: Manzella

Second: Chester

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

C. ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL, Z-2013-08, Variance application for the use of an existing dwelling as management training offices located at 5 High Street, Block 52, Lot 12, Zoning District: R-5A

Motion to approve: Chester

Second: McElligott

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

Jose Madera (alt)		
Tierream Houser (alt)	X	
Mike Manzella (alt)	X	
John Zimmerman	X	

VII. OLD BUSINESS

None.

VIII. NEW BUSINESS

- A. ARNOLD GARCIA, Z-2013-07**, Site plan and variance application for the construction of a mixed used building located at 340-346 Seaman Street, Block 183, Lots 32.01, 35 and 36, Zoning District: C-2B

Dennis Auciello, Esq – The property is 125x100 and is currently divided into 3 lots that will be consolidated. The project will construct a 4-story mixed-use building. The uses are permitted in the C-2B zone. There are “D” variances for height (46’) and ground floor residential use in the mixed use building. There are a number of bulk variances also.

Alex Podzernicki Architect –
A-1 rendered site plan

The building is 4 stories with commercial space on the ground floor. The roof has trusses above the top floor adding 3 feet to the balance of 43 ft height, creating a D height variance. The mechanicals are put in between the floors and this adds to the floor-to-floor height.

On floors 2-4 there are 7 apartments on each floor, with 2 on the first floor. There will also be two commercial spaces facing Seaman on the ground floor. Additionally, there are 2 1st floor units that will be handicapped accessible.

The building is similar to other similar mixed-use residential buildings in the area. The ground floor will have brick all around with vinyl siding on the upper floors on the side and rear.

Kevin O’Brien, Planner –

The applicant is seeking a D1 use variance for the ground floor residential use. There is also a D6 height variance. Bulk variances and a parking variance are also sought. The site is in the C-2B and the proposed uses are permitted. However, a D1 variance is needed for placing the residential on the ground floor.

The application meets the positive criteria for granting the use variances as it is similar to other uses. The upper level units will not be accessible. The height variance allows

the building to be built with modern building systems without violating the integrity of the building.

The area is also transit-oriented and the applicant's experience with similar nearby buildings is that there is little demand for parking on-site. The ordinance requires 68 parking spaces and 9 are proposed. The variance can be granted on the negative criteria as there is little negative impact as the neighborhood offers many uses within walking distance and a car is not necessary.

The project provides a range of lifestyle choices and helps redevelop the neighborhood in conformance with the goals of the master plan. It also promotes mixed-use development as recommended in the plan.

The application is supported by several goals of the MLUL, including goal A: promoting the general welfare and health; goal G; and Goal I, promoting a good visual environment.

The surrounding land uses are residential and commercial. The proposed are also residential and commercial, and compatible with the surrounding uses. There are no negative impacts.

The project has special reasons as it meets goals A, G and I of the MLUL. The site can accommodate the height of the building and the use does not substantially impair the zone plan or zoning ordinance. The building will be compatible with surrounding uses. The bulk variances can be granted on a C2 basis as the benefits outweigh the detriments. The variances can be granted without impairing the public good.

Manzella – what kind of apartments are proposed? What type of retail businesses are proposed?

Arnold Garcia, Applicant –

150 and 156 French Street buildings are also owned by Garcia and are similar to the mixed use building proposed for the application. The commercial uses are proposed to be a coffee shop and grocery store. The residential units will be marketed to the same market as the units on French Street. It is primarily rented to the Hispanic market with about \$1200/month rent for a 2 bedroom unit. The 150 French Street building has 3 retail spaces, 9 units and no parking. It works well with the site. Patrons of the stores mostly walk.

Chester – what are hours of the stores?

Garcia – open until at least 10 PM.

Manzella – will parking be assigned?

Garcia – No.

Patterson – How will retail and trash be managed

Garcia – Trash will be rolled out to Seaman St. for DPW pick up on delivery days. Otherwise it will be stored in the trash enclosure. One property manager will take care of this property and the other nearby Garcia properties.

Noel Young, Engineer

A-2 Site Plan

The front setback is now a 4 ft setback. This brought the building under the FAR standard.

The 9 parking spaces are along the east side of the property. There is no loading space provided.

Bignell – suggest that 15 min parking be provided in front of the building. Can the landscaping be made larger to comply with the standards. Garcia – yes

The transformer pad will be located in the building. The chiller will also be in the building.

Cox – please discuss the lighting on the site.

A-3 Lighting Plan

Two 70 watt lighting fixtures will be on each side of the building. These meet the City's lighting standards.

Public:

None

Board Discussion:

None

Motion to approve: McElligott

Second: Manzella

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

Mike Manzella (alt)	X	
John Zimmerman	x	

IX. ADJOURNMENT