

Zoning Board of Adjustment Minutes
City of New Brunswick
January 23, 2012

Roll Call:

x	Nancy Coppola, Chair
x	John Cox, Vice Chair
x	John Sutton
x	Kim Maloney
x	Margaret Chester
x	Scott Elias
x	Sue McElligott
x	Doug Sheehan (alt)
x	Peter Ventrice (alt)
x	Jose Madera (alt)

Open Public Meetings Statement was read

Salute to the Flag

Reorganization of the Board:

Mr. Patterson, as Board Secretary acted as the temporary chairman of the meeting

Nominations for Chairperson

Nomination: Nancy Coppola. No other nominations were made.

Motion: Sutton

Second: Chester

Approved unanimously

Ms. Coppola took over as chairperson of the meeting.

Nominations for Vice-Chairperson

Nomination: John Cox. No other nominations were made.

Motion: Sutton

Second: Sheehan

Approved unanimously

Nominations for Board Secretary

Nomination: Glenn Patterson. No other nominations were made.

Motion: Cox

Second: Chester
Approved unanimously

Appointment of Board Attorney
Aravind Aithal, Esq No other nominations were made.
Motion: Maloney
Second: Sutton
Approved unanimously

Appointment of Board Planner
Mr. Patterson explained that a fair and open request for proposals was made. CME and Bignell responded. Staff was recommending Bignell

Nomination for Appointment: Bignell & Associates No other nominations were made.
Motion: Cox
Second: McEligot
Approved unanimously

Secondary/Conflict Planner
City staff for the position
Motion: Cox
Second: Chester
Approved Unanimously

Appointment of Board Engineer
Mr. Patterson explained that staff was recommending that City Engineer, Tom Guldin was recommended as the Board's primary engineer. Additionally, D&R Engineering was recommended as the supplemental and conflict engineer. A fair and open request for the supplemental engineer was made . Six firms responded. Staff was recommending D&R.

Tom Guldin. No other nominations were made.
Motion: Cox
Second: Maloney
Approved unanimously

D&R Engineering. No other nominations were made.
Motion: Cox
Second: Chester
Approved unanimously

Appointment of Supplemental Engineer for Hydraulic Modeling
Mr. Patterson explained that occasionally applications require that a computer simulated modeling of water demand be done to determine if the existing system is adequate. The modeling is done on a proprietary software system that the City contracted with Hatch Mott McDonald to prepare. Hatch Mott charges to run the system each time it is used. We are looking as to how we can charge this cost to the application rather than the City picking up

the cost. It is complicated to do this as the City's purchase order system is not geared to handle this type of request. As a first step in enabling the City to have authorization to charge the applicant's escrow account, we are looking for the Board to authorize Hatch Mott to do this work as part of an application review.

Nomination for Supplemental Engineer for Hydraulic Modeling

Hatch Mott McDonald. No other nominations were made.

Motion: Maloney

Second Chester

Approved unanimously.

Meeting Schedule

4th Monday of the month, with May and December being the 3rd Monday

Motion: Chester

2nd: Cox

Approved unanimously

Minutes

Approval of the minutes of the Board's December 19, 2011 meeting

Motion by: Cox

Second by: Chester

Approved unanimously

Resolutions of Memorialization:

Motion to Approve By:

Second by:

Approve:

Old Business:

None

New Business:

Royal Majesty, Inc, 208 Hamilton St.

Z-2011-16

Anthony Vignuolo, Esq. - application is to adjust the hours of operation that were limited in the original approval.

Tom Bogdan, Planner, - Neighborhood is a mixed area, with proposed restaurant across street and retail across the street with residential uses in the area. Zone now permits this use as zoning was changed some years ago.

Present restriction is 5 pm to 11 pm. Propose 10AM to 12PM during the week, with remaining

open to 2AM on Saturday morning and Sunday morning. Bogdan state that the proposed use complies with the existing zoning and it is therefore not a detriment on the zone ordinance or zone plan or the surrounding neighborhood. There were no police reports of incidents at this location from either the restaurant or the upstairs apartment.

Mr. Andy _____, Owner – Sunday night/Monday morning will close at 12PM

Sutton: Can we bring them back to the board if there are complaints.

Aithal: Board can ask for more information and is the applicant's burden but Board has to either approve or deny the application.

Patterson: Applicant is here before the Board as neighbors complained that the existing restricted hours were not being honored.

Coppola – is the "no slices" restriction still needed?

Bogdan – he was the Board Planner at the time of approval and he discussed how the neighborhood was different in 1988.

Elias – having Tata's open later may keep some students from walking farther up to Easton to get pizza and the shorter walk may actually improve the neighborhood.

Public

Jo Liotta: Why can Easton stores stay open

Motion: Cox

Second: McElligott

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

Anthony Berardinelli/Dominick DiCampi, 73-2011-18
Z-2011-18

Anthony Vignuolo, Esq -

Application to pave a portion of the rear yard to provide additional off-street parking. There existing bulk variance issues.

Dominick DiCampli – owner

A-1 thru A-7 photos of the existing conditions.

He has owned the 2 family house for 30 years. Parking is currently provided with 2 driveway spaces. Four spaces are proposed for the rear. Other properties in the area have parking in the rear of the properties. Security lighting will be provided in the rear. Bd on Bd fence will be proposed on the right with chain link along the rear.

Public:

None

Motion to approve with the recite conditions:

Motion: Sutton

2nd: Chester

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

Hamilton Street Realty, LLC, 191 Hamilton St.

Z-2011-17

Scott Elias recused himself as he owns property within 200 ft of the applicant.

Photos of existing conditions: A1 and A2 and one photo of proposed conditions, A3

Jennifer Burgess, Esq – application for conversion of former furniture store to an apparel store. Site was occupied by White Lotus Furniture and is in the R-5A zone. The properties across the street are in the C-1 zone. Not facade or structural changes are proposed.

Mitch Broder – property owner: He bought the property this past June. He is seeking a use variance for an apparel store. He also owns the adjoining property. The long term objective is to redevelop the properties but the short term goal is to clean them up and get them occupied. Proposed use is a design and clothing boutique. New a/c, heating and lighting systems will be upgraded. A new entrance door will be added. Loading will be done from the driveway.

Mitigating the use variance is the fact that the C-1 commercial zone is across the street. The boutique would be a low impact use and will fit in with the existing character of the area. Hours will be normal business hours.

Michael Sherman – store owner – The clothing store will have youth oriented stock.

Ali El Sheanaly – storeowner – he is an experienced retailer in New Brunswick. No employees other than the two owners. Hours would be 10-7, 7 days per week. Deliveries are normally by a UPS type truck.

Tom Bogdan, Planner

Property is particularly suited for the proposed use and supports the general welfare as the existing site was used for furniture retail with assembly in the rear. The former use is similar and the applicant could argue that this is a continuation of the pre-existing use.

The negative criteria are met as the site will operate as it always has and probably with less deliveries. Little traffic will be generated.

Chester: Is the rear design space to be used by others? Owner – only sporadically.

Burgess: ask that no update plans be required.

Sherman: Basement will be used for storage.

Broder: trash receptacles will be in the rear

Public:

Scott Elias: owns the adjacent property. Thinks this will be good neighbor and do not want it to be a food establishment.

Jo Liotta: asked about how the driveway worked.

Motion: Sutton

2nd: Cox

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

Kim Maloney	x	
Margaret Chester	x	
Scott Elias		
Sue McElligott	x	
Doug Sheehan (alt)	x	
Peter Ventrice (alt)		
Jose Madera (alt)		

Annual Zoning Report:

Motion to forward to Council and PB

Motion: Sutton

2nd: Cox

Adjournment