

Zoning Board of Adjustment
City of New Brunswick
March 26, 2012

Roll Call:

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

Open Public Meetings Statement was read

Salute to the Flag

Minutes

Approval of the minutes of the Board's February 27, 2012 meeting amended to add sheehan as present

Motion by: Chester

Second by: McElligott

Approved unanimously

Resolutions of Memorialization:

Heriberto Cruz, Z-2011-19, 195 Joyce Kilmer Ave.

Motion to Approve By: Maloney

Second by: Chester

Approve:

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

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

Old Business:

Dev and Sumedha Debas, Z-2009-19 187 Hamilton St.

Applicant requested to carry the hearing until the April 23, 2012 meeting and to waive any time limits for the application. An announcement to the effect was made to the public at the meeting. The hearing will be in Council Chambers at 7:30 pm on April 23.

New Business:

St. Peter the Apostle RC Church, Z-2012-02, 500 Somerset Street

Michelle Tullio, Esq. - Applicant proposes a site plan, bulk variances and use variance to expand the existing mausoleum. The use is consistent with the master plan recommendations though. The expansion would take place in two phases. There are 2 setback variances, and a side yard and a front yard in each phase.

Fr. Tom Ozeti, Pastor at St. Peters. - Church has owned the cemetery for over 100 years and built the existing mausoleum in 1994. The mausoleum is running out of space. The area for in-ground burials is close to being used and the existing mausoleum is about 95% used.

There are 4 full-time employees at the cemetery. The hours of operation are daylight hours. There is no exterior lighting. There would be no change in staffing or hours if the expansion is approved. Additionally, the logistics for funeral processions would remain as they are today.

A-1 Aerial site plan:

The expansion would have about 600 new crypts and 150 niches for cremations. The addition will eliminate the exterior crypts closest to the adjoining residential neighborhood. There are no exterior crypts as part of the addition.

There was one incidence of vandalism at the mausoleum office. The superintendent lives on site to control this.

Michael Marinelli, Eng. -

A-2 Aerial Photo Existing Conditions

Site is in R-1B zone. It has 2 access points off of Somerset St/Rt. 27. The cemetery has

existed since the 1860's approximately. There is an existing mausoleum. There are about 200 services at the cemetery per year.

There is an unnamed alleyway between the cemetery and the residential area to the south.

The 1st phase of the expansion will be the one closest to the residential area to the south. This creates a side yard variance. The setback variance is from the alleyway. There is also a front yard variance in the same area. The 2nd phase is on the Somerset St side and has the same variances.

There are no changes to the existing circulation pattern, lighting or landscaping. Storm water will be retained through expanded seepage pits. Runoff flows into the cemetery, away from the residential neighborhood. The mausoleum will be barrier-free compliant.

The mausoleum is locked at night.

The applicant will comply with the comments in the professional staff reports.

Elizabeth Strom, Planner – The project is an expansion of non-conforming use, so it is a D2 variance. The use is inherently beneficial, so it presumptively meets the positive criteria. The use does not cause any nuisances for the adjacent neighborhoods or create any traffic problems. The use meets the purposes of planning A, G and I.

The cemetery functions as a transitional use in the area. It is a less intense use than the permitted residential use. There is no zone elsewhere in the city where cemeteries are permitted. The use also promotes the preservation of open space, which is also a purpose of zoning.

There is no substantial detriment to the public good as the use exists and the volume of services will not change. There is no impairment to the zone ordinance as there is no zone where the use is permitted. The use also buffers an industrial area from the residential area.

The bulk variances are justified based on a C2 analysis as granting the variance would outweigh any detriment. The setback variance to the front is mitigated by the nature of Rt. 27. The side yard variance is mitigated by the presence of the alley right-of-way that increases the distance between the mausoleum and the residential buildings.

Applicant will provide a board-on-board fence to further mitigate the impact of the side yard variance. The fence extends the length of the proposed building.

Chester – was consideration given to expanding the building on the opposite side, away from the residential area. Fr. Tom – the expansion was done on the side near the residences to enclose the existing exterior crypts, which was a concern of the neighborhood.

Public:

Wayne Tomblin – resident of the area. Concerned that the existing alleyway will be

discontinued. Engineer – the alleyway will remain but some utilities will be located in the alleyway.

Shannon Walker – will excavation interfere with her fence? Engineer – no

Ryan Walker – will there be any interference with utility trucks accessing the alleyway? Eng – no

Shannon Walker – what will keep debris on the site? Engineer – silt fencing will be installed and then replaced by the fence.

Ezra Jones – concern is the alleyway and access. Tullio – there will be no change.

Tom Guldin – there will be temporary blockages during construction.

Charlie Kratovil – trees along the property border would be beneficial.

Sharon Walker – she does not want more trees as it becomes a maintenance problem.

Mr. Patterson recited a list of suggested conditions if the application is approved.

Motion to Approve the site plan and variances with conditions cited by Mr. Patterson:

McElligott

Second: Maloney

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

Adjournment