

Zoning Board of Adjustment  
City of New Brunswick  
May 21, 2012

Roll Call:

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

Open Public Meetings Statement was read

Salute to the Flag

Minutes

Approval of the minutes of the Board's March 26, 2012 meeting

Motion by: Cox

Second by: Sutton

Approved unanimously

Resolutions of Memorialization:

St. Peter The Apostle RC Church, Z-2012-02, 500 Somerset Street, Block 234. Lot 26.01

Motion to Approve By: Sutton

Second by: Cox

Approve: 4-0

Old Business:

Dev and Sumedha Debas, Z-2009-16, 187 Hamilton Street, Block 57, Lot 54, Zone R-5A

Scott Elias recused himself as he owns the adjoining property.

James Clarkin, Esq. - Application previously presented in February but did not complete the presentation. They will give a de novo presentation. In the interim they have reduced the

building by 1 bedroom, which reduces the occupancy from 15 to 12. It also reduces the extent of the variances requested.

The application is to replace an existing 1-family building with a 2-family building. The lot is very narrow at the front, but has extensive depth. The lot is slightly undersized for a 2-family house. The adjoining property can not be acquired to avoid the variances. The required parking is provided.

The existing building is in poor condition and can not be saved.

A fence will be installed on the east side of the property to stop illegal access by cars to the rear of the adjoining property.

The foundation on the west side will be moved 2.5 feet to the east to move away from the adjoining property (Elias property) to better protect it. Also the applicant will hand demolish the wall adjacent to 189 Hamilton to mitigate any damage. They will also replace the siding on the 189 Hamilton property once 187 Hamilton is demolished. The applicant will also install a solid fence on the 189 Hamilton property, at the request of Elias, to separate the properties.

Dev Debas, Owner – He divides his time between NJ and Florida. He has a property manager who comes by once every 3 weeks. The manager will come by once a week in the future. Cox – how do you know he comes by weekly? Debas – I will be paying him.

Susan Shefmaker, Architect

The existing building resembles a storefront but is residential and is in poor condition. There are existing structures that abut the property lines on both sides so no other land can be acquired to widen the lot.

The right facade has 3 gables to break up the roof line design. The left side has one gable. The front facade resembles a 1-family house. The rear facade is similar.

Floor Plan – Width of the front is 12 ft, which leaves 10 ft of width for the driveway. The existing foundation wall on the west will be left below grade and a new foundation wall constructed next to it to set the building wall back 2.5 feet.

The 2<sup>nd</sup> floor cantilevers out on the east side to provide more width.

The total building depth is about 118 feet.

The 2<sup>nd</sup> floor bedroom in the rear has been eliminated. Both units will now have 6 person occupancies. The basement will be used for utilities only. It is to be non-habitable. The attic is also non-habitable space to be used for storage only.

Eric Tomczak, Engineer -

Site is accessed by a 10 ft. wide driveway on the east side. A fence will be installed on the east side so the eastern neighbor will be physically prevented from using the Debas driveway

for access to their property.

The property drains to the west. Storm water mitigation will be added to the site. The rear yard setback is more than 40 feet and complies. The side yards have variances as 30 feet is required in total and the lot is only 25 feet wide.

Cars can pull forward through the driveway and turn around to pull out forward when leaving the property.

Impervious surface area will be reduced from the current condition but is still a variance. Roof drainage will go through a detention system.

Lighting will be provided via 5 building mounted lights over the driveway, a free standing light in the rear and bollard lights in the rear.

A fence will be provided in the rear plus evergreen buffering. A fence will also be provided on the west side from the rear of the Elias property to the rear property line.

Tom Bogdan, Planner

The existing property has several existing non-conformities including width. All the variances are due to the narrow lot width. The side yard variances in particular due to the narrowness. A design waiver is requested for the parking lot setback depth. This is mitigated by the proposed west side fence.

The neighborhood is primarily 1 and 2-family houses with commercial across the street but of similar bulk on similar lots. The bulk variances are less than on most nearby properties.

The building coverage and FAR are typical of this type of neighborhood style. The type of use is as recommended in the master plan. The site is appropriate for the lot as parking complies and is placed in the rear. Therefore, the FAR variance is justified. The bulk variances are supported on a hardship basis. The variances can also be justified on a flexible C basis as the dilapidated existing building will be removed, the rear garage will be demolished and the new building will be an aesthetic improvement. The granting of the variances will not impair the zone plan or zoning ordinance as the development is typical of the area, the parking is screened and the variances can be justified on both hardship and a flexible analysis.

Responding to the City Planning memo, the applicant has complied with or provided justifications to respond to all the planning comments.

Public:

Scott Elias – Debas has addressed all the issues he had previously raised. Please provide him notice prior to scheduling demolition.

Board Discussion:

Aithal – Elias' testimony can not be given more weight than any other testimony.

Motion: Sutton  
Second: Cox

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

New Business:

Recon Services, LLC, Z-2012-01, 54 Ray Street, Block 80, Lots 7, 9 and 23.01

Applicant requested to postpone the hearing due to a scheduling conflict with a witness. The applicant asked to reschedule the meeting to the June 25, 2012 board meeting. The scheduling change was announced to the public at the start of the meeting. Additional personal notice is not required as the scheduling change was announced at the public meeting.

Donald Kislán, Z-2012-05, 214 Townsend Street, Block 160, Lot 35.01, District R-5A

The applicant did not send notice of the hearing and therefore will not be heard at this meeting. The applicant will be rescheduled for a subsequent meeting and the applicant will provide both personal and public notice of the hearing as required by law.

Adjournment