

Zoning Board of Adjustment  
City of New Brunswick  
June 25, 2012

Roll Call:

	Nancy Coppola, Chair
x	John Cox, Vice Chair
x	John Sutton
	Kim Maloney
x	Margaret Chester
x	Scott Elias
x	Sue McEligott (alt)
x	Doug Sheehan (alt)
x	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 May 21, 2012 meeting

Motion by: Sutton

Second by: Sheehan

Approved unanimously

Resolutions of Memorialization:

Dev and Sumedha Debas, Z-2009-16, 197 Hamilton Street, Zoning District R-5A

Motion to Approve By:

Second by: Sutton

Approve: Sheehan

Old Business:

None

New Business:

Announced that Recon Services, 54 Ray St. will not be heard tonight as applicant sent notice late this afternoon that a professional could not attend tonight. The hearing will be rescheduled and applicant will provide personal and public notice.

Donald Kislak, Z-2012-05, 214 Townsend Street, Zoning District R-5, addition of 3<sup>rd</sup> bedroom in an existing apartment in a non-conforming multifamily building

Robert Lecky, Esq – presented Tom Bogdan, PP for testimony

Tom Bogdan, PP – existing housing is non-conforming 4 unit building. The application is to add 1 bedroom to 1 apartment. This will convert an existing room to a bedroom. No parking is provided on-site. The family living in the unit has no cars and they have lived there for 4 years. The applicant volunteers to give back residential parking permits if the board wishes. The current tenants do not use the existing parking permits.

The applicant was cited by Inspections for illegally using this room as a bedroom. They have stopped using it as a bedroom but want to use it legally. Parking is available on nearby streets based on his personal experience as a former property owner in the area.

As to intensification of the non-conforming use, it is subsumed within the parking variance request and feels the parking variance is de minimus as only adding one bedroom.

Public:  
None

Motion to Approve: Chester  
Second: McEligott

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

Recon Services, LLC, Z-2012-01, 54 Ray Street, Zoning District R-5. Development of a multifamily building

Postponed

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

Pioli Properties, LLC, Z-2012-20, 120 Georges Rd. Zoning District I-1. Conversion of an existing industrial building into a mixed use building

Jim Clarkin, Esq – asked to hear Gospel Church first as the Pioli Engineer is not yet here. The Board granted this request.

Property lies on the border of North and New Brunswick. About 10% of the property is in New Brunswick and about 1/3 of the building is in New Brunswick. The building is on the National Register of Historic Places. North Brunswick has approved a use variance for the restaurant and site plan approval. There will be 24 apartments with ground floor retail. A second building on the site will be retained but reduced in size. It will contain retail uses. Other accessory buildings will be removed.

The property is in the I-1 zone where the use is not permitted. A d1 use variance is requested. An FAR variance is needed for the New Brunswick portion of the property but the full property is in compliance with the FAR.

Jeff Venizia, Archt

A1 – historic view of the site

A2 – proposed aerial elavation.

New building will focus on a central green area.

A3 – building elevations and floor plans

Mr. Venizia reviewed the residential and retail floor plans. The units face out onto the green central area. There are 2 floors of residential and 1 floor of retail in the old String building.

The 360 building is currently a "Butler" building and will be converted to retail use with a new exterior.

A4 360 Bld elevation and floor plan

A5 Ground level views of both the 120 and 360 building

William Lane, Engineer

A6 Aerial site plan of existing conditions

A7 Aerial site plan

Lane reviewed both the existing and proposed site conditions.

Drainage near the 120 bld will remain similar to the existing condition. Near the 360 bld there will be a detention basin added. Lighting will be added to the site on new poles and on the building. The spillage will be contained within the City's standards. Landscaping will be added with the area in the riparian area getting special attention. The dumpster will be located towards the rear. Bike racks and trash receptacles will be added per the TAC's request.

The applicant will comply with the comments of the City Engineer's report.

Sutton – how will loading be handled? Lane – loading is the toward the rear of the property and deliveries will be hand trucked from the loading area to the stores.

Sutton – is there fencing around culvert area? Lane – only in some areas.

Tom Bogdan, PP

A d1 use variance is required. It is justified as the site is uniquely suited to improve the general welfare as it saves a historic building in a unique situation where the building straddles two properties. It furthers the MLUL by promoting the general welfare, providing sufficient space for residential and commercial uses, it promotes a desirable visual environment and conserves a historic site. There is no impediment to the zone plan or zone ordinance as the use is appropriate to the location. The use will generate economic activity in both towns. The former industrial use is not likely to be economically feasible and an adaptive reuse offers a more feasible future. There is no detriment to the public good if the application is approved.

There are enhanced standards of proofs to meet the Medici standards as former industrial uses no longer are economically feasible and only a small piece of the property is in New Brunswick and is therefore not focused on when the City does its zoning ordinance.

Public:

Charlie Kratovil

Project seems to be a good project. What will be done to protect the historic building?

Venizia – as much of the building will be retained as possible, such as retaining much of the brick. It will be a mix of historic and modern looks to facilitate the proposed uses.

Kratovil – what is the time frame? Clarkin- possibly by year end to start construction.

Guldin – do you have a will serve letter from No. Brunswick?

Lane – no, not yet but the increase in flow is minimal. Lane will check with North Brunswick.

Motion: McEligott

Second: Chester

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

Gospel Church of the First Born, Inc., Z-2012-06, 177 Delavan Street. Use of an existing building for a church

Jim Clarkin, Esq – The application is to convert a fraternal club to a church. The building has a first floor and finished basement. The use is conditional. The application meets the conditions except parking and buffer to residential properties. They have a conforming number of parking spaces for the 1<sup>st</sup> floor church area. It is deficient only due to the finished basement area, but both floors will not be used simultaneously, so de facto the applicant is conforming.

The applicant can construct an 18 space parking lot, which is the required number for the spaces for the occupancy of the church of 49 persons. The parking will be constructed at the same time as the building is converted.

Bulk variances are needed for impervious coverage. The parking area exacerbates the existing variance. There is also a variance regarding screening in the rear due to a patio. The church stipulates they will not use the patio area.

Pastor Arthur Lewis

The church was formed in 1999 and he has been the pastor since its inception. Church has 12-15 congregants now and originally had 7 when started. They purchased the property in

August 2011.

Church services are from 10-1:30 pm. The congregants may eat in the basement area. They many leave around 3 pm. On Wednesdays, they meet in the afternoon for 90 minutes and on Friday they meet from 8pm to 9:30. Attendance is usually 3-5 persons. They will also have youth programming.

They do not anticipate weddings and funerals at the site. Fire code limits occupancy to 49 persons so it makes it small for a wedding. He agrees to not rent out the basement for social gatherings.

The patio area will be only used for emergency exit. If the church had the funds, they would demolish it.

The church will paint the exterior and construct a new access. A 6'x4' sign will be on the building.

A1-A3 floor plans and elevations

Congregants come to church using car pools from out of town areas. If congregation expands, they will seek approval to expand or find another location.

Jason Valatutto, Engineer

The site is rectangular and developed with an existing building. There are 2 driveways on Delavan St. The building is located to the east in the rear of the site.

One driveway will be eliminated and the parking lot will be paved. A handicapped ramp will be added for access and a new entrance will be constructed. They will put a BonB fence around the refuse area. Foundation plantings will be added.

The applicant will comply with the City Engineer's memo

Tom Bogdan, PP

Churches are conditional uses in the R-5A and two conditons are not met here. The Coventry Square case standard is whether the site can accommodate the proposed use. The buffer situation is existing and the church will not use this area. As to the parking variance, the ordinance assumes both floors being used by different people and the church does not intend to use it this way. The site can accommodate parking for the 49 person occupancy. The impervious coverage is being increased but he feels it is a de minimus increase and has no detriment. This can be supported on a C2 analysis as the paving allows expansion of the parking area. The benefits of the coverage outweigh the detriments. The project will not impair the zone plan or zone ordinance as there is no negative impacts to the surrounding property, as the ordinance contemplates churches in the area.

Applicant will comply with the Bignell planning memo.

Public:  
None

Board comments:  
Chester – the appearance of the building will be improved by the project.

Motion to approve: Chester  
Second: Sutton

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

Adjournment 9:00 PM