

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
NOVEMBER 26, 2012
MINUTES
7:30 p.m.**

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S OCTOBER 22, 2012 MEETING

**V. COMMUNICATIONS AND REPORTS-
Resolutions of Memorialization of Approval
Motion: Sutton
2nd: Elias
Approved unanimously**

- A. MIKE DRULIS, Z-2012-12**, Variance application for the construction of an additional bedroom in the basement of the existing dwelling located at 38 Laurel Place, Block 413, Lot 30, Zoning District: R-5A

Motion: Sutton
Second: Elias

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	x	
John Sutton	x	
Kim Maloney		
Margeret Chester		

Scott Elias	x	
Sue McEligot (alt)		
Doug Sheehan (alt)	x	
Peter Ventrice (alt)		
Jose Madera (alt)		

B. 205 EASTON REALTY, LLC, #Z-2011-15, Site plan and variance application for the construction of a mixed-use office and residential building located at 205 Easton Avenue, Block 82, Lot 6.02, Zoning District: C-3B

Motion: Sutton

Second: Sheehan

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

C. D & D, LLC, Z-2012-03, Site plan and variance application for the construction of a multi-family dwelling located at the intersection of Ray Street and Sicard Street, Block 83, Lots 1.01 and 40, Zoning District: R-5A

Motion: Sutton

Second: Elias

	Yes	No
Nancy Coppola, Chair		
John Cox, Vice Chair	x	
John Sutton	x	
Kim Maloney		
Margeret Chester		
Scott Elias	x	

Sue McEligot (alt)		
Doug Sheehan (alt)	x	
Peter Ventrice (alt)		
Jose Madera (alt)		

VII. OLD BUSINESS

- A. SHERWOOD DEVELOPMENT, LLC, Z-2012-07**, Site plan and variance application for the construction of a multifamily dwelling located at 12 Bartlett Street, Block 75, Lots 22, 23.01, 25, 29, Zoning District: IN-1

Application was rescheduled at the applicant's request to the December 17, 2012 meeting as there was not a full board of 7 members to hear the application.

- B. 96-100 BAYARD STREET ASSOCIATES, Z-2012-04**, Site plan and variance application for the construction of a multi-family residential building located at 96-100 Bayard Street, Block 20 Lot 6.02, Zoning District C-4

Application was rescheduled at the applicant's request to the December 17, 2012 meeting as there was not a full board of 7 members to hear the application.

Mr.Ventrice and Ms.Coppola joined the meeting.

VIII. NEW BUSINESS

- A. EDWARD SCHRUM, NU-2012-01**, Certification of Pre-existing legal non-conforming use/status application for the dwelling located at 49 Carman Street, Block 125 Lot 1, Zoning District: R-5A

James Clarkin, Esq – Application with two parts, confirming a non-conforming use and valid pre-existing non-conforming structure as to the setbacks.

The house is in the R-5A, where 2-family use is permitted. When the City established parking requirements, the City had no records on the number of bedrooms as the structure was built in the 1920's. To validate the non-conformity they are presenting evidence of their original compliance prior to the 1972 ordinance. Each unit has had at least 3 bedrooms since the 1940's.

He has both live and affidavit testimony regarding the bedrooms. Board attorney Aithal stated that Board can not consider the affidavit as primary evidence but can only consider it as heresay evidence.

Edward Schrum: He is one of the owners of the property since 1976. He grew up across the street from the house and he is 76 years old. The 49 Carman property has always been a rental housing property. He also worked across the street at 50 Carman for Schrum Plumbing. 49 Carman has always had 2 apartments. The lower apartment has space in the basement and first floor and the 2nd apartment has space on the 2nd and 3rd floor. Both apartments have 3 bedrooms. The units were constructed in the 1920's.

A-1 thru A-4: photos of the current conditions of the property.
A-5 thru A-6 photos of the 3rd floor bedrooms

He stated no bedrooms have been added since he became familiar with the property in the 1940's and was used as a rental property continuously.

Affidavit from Jane Hoebich, sister of Ed Schrum. (A-7): Her affidavit states that the attic floor always had 2 bedrooms. She lived across the street and collected rents from 49 Carman.

Clarkin: The parking requirement did not come into effect until 1972 and testimony is that the bedrooms and apartments existed for many years prior to that.

Elias: Why was summons issued for the extra bedrooms? Clarkin: the 1972 assessment card appears to have been incorrectly filled out but staff agrees that the bedrooms were pre-existing and family wants to have valid zoning authority in the event they sell the property.

Public:
None

Elias: the bedrooms appear to much older than 1972. Sutton agrees that the house configuration looks to be original

Motion: Sutton
Second: Coppala (not sitting as chair this evening)

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

IX. ADJOURNMENT