

**CITY OF NEW BRUNSWICK
BOARD OF ADJUSTMENT
DECEMBER 17, 2012
MINUTES
7:30 p.m.**

I. ROLL CALL

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

II. PUBLIC ANNOUNCEMENT (OPEN PUBLIC MEETING ACT)

III. SALUTE TO THE FLAG

IV. MINUTES OF THE BOARD'S NOVEMBER 26, 2012 MEETING

Motion: Sheehan
Second: Cox
Approved unanimously

**V. COMMUNICATIONS AND REPORTS-
Resolutions of Memorialization of Approval**

- 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

Motion: Cox
Second: Sheehan

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

Kim Maloney		
Margeret Chester		
Scott Elias		
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

Tom Kelso, Esq. - application is for an assemblage known as 12 Bartlett. It is in the IN-1 institutional zone. The use is not permitted, but would be if it was carried out by Rutgers. The project will develop 59 units in a 4-story building. Subsurface parking will be provided. Variances are needed for use, FAR, height (48' proposed, 35' limit), two coverage variances and a parking variance.

Client will voluntarily limit the occupancy of studio and 1BR, would be limited to 2 persons, the 2BR units to 4 persons and the 3 bedroom units to 3 persons.

The site is located in the heart of the College Ave. campus and is uniquely suited for this type of development.

Michael Sisler, Principal – He stated he has provided student housing in New Brunswick for over 20 years. The site is adjacent to the campus.

A-1 Packet of architectural renderings of the proposed development and information about his development company.

He has developed and managed properties for student housing and tried to provide premium housing for that market. Each unit is painted each year. They attempt to keep units “like new”. His maintenance staff visit each unit at least twice each week. They pick up litter and debris if found.

A-2 Neighborhood map. The site is near fraternities, other student housing and the Rutgers student center. It is also near the Rutgers bus system.

The project will have on-site property management. All units will be ADA accessible. Parking is provided on-site and all resident parking permits will be given up. Loading will also be provided on-site. It will have an indoor bicycle facility inside the building in a locked, monitored room so as to encourage tenants to rely on bikes. There will be a rear courtyard for the exclusive use of tenants. The area will have time locked gates and lighting so that the

area will not be used at inappropriate times. BBQ areas will be provided so that tenants do not bring their own grills, which is less safe.

A-3 – Interior CG rendering. - The interiors will have a high level of amenities. The exterior will have solid materials such as brick and stucco.

Edward Bogan, Engineer: -

A-4 – rendered existing conditions

A-5 – rendered site plan

The property consists of 4 lots currently that will be consolidated. There will be two driveways. One will access underground parking. The other will access 3 surface level parking spaces. Pedestrian security light is provided and lighting under the porta-cochere.

A-6 – Parking plan: There is a two-way entrance to underground parking from the entrance closest to Sicard Street. The other driveway access 3 parking spaces on the surface.

Design waivers are sought for parking aisle width and stall size. Also, the northern driveway requires a waiver for width. This is a limited use driveway and does not need the 24' width. A waiver is also requested for the trash area landscaping as it is in an interior area and surrounded by pavement. Trash will be picked up 2X a week via private pickup.

Handicapped parking is provided in the underground garage.

The applicant has or will comply with all of the comments in the Board engineer's memo.

George Simcox, Architect:

The design was developed to fit into the neighborhood character and maintain a similar height and bulk to the nearby Rutgers buildings. The design also has setbacks, indentations and horizontal design elements to create a residential feel for the building. Most of the traffic is situated away from the main entrance.

The parking area is accessed by two stairs and an elevator. Cameras are provided throughout the building for security. The manager's office will be off the entrance at the lobby. Wifi will be provided in all the public areas of the building. A walkway will access the rear outside area. Access to this area is only through the building. Loading access is off the lobby.

The building setback from both the street and the side property lines on the top two floors.

Trash will be taken to the dumpster areas by the individual tenants.

Charles Olivo, Traffic Engineer:

Bartlett is a connector street for the campus area. The location blurs the line between on and off-campus. Speed humps are provided on Bartlett for traffic calming. The train station is about a half mile away. The project is adjacent to the student center and the Rutgers bus system.

59 units are provided with 39 parking spaces. The ITE data shows that areas well served by transit and in pedestrian oriented area that parking ratios as low as 0.5 spaces are adequate. The 0.66 spaces per unit provided is therefore adequate.

The design of the circulation within the garage is adequate per the standards of the ULI. Stalls with the proposed angle and aisle width exceed the ULI industry standards.

Keenan Hughes, Planner:

D variances are requested for use, FAR and height. C variances are requested for coverages and parking.

The use variances are supported by the recent City master plan reexam report, which identifies the area near the student center as appropriate for higher density development. The report also encourages assembling larger development properties such as this for denser development. The locational attributes and design support several purposes of zoning.

There would be no detriments from this type of development due to the nature of the college related development adjacent to the site.

The setbacks for the zone are complied with. The height is not out of character with other buildings in the area of a similar size such as the student center and Chabad House. Also, the ends of the buildings have been stepped down to 32 ft to better transition to the adjacent properties. This mitigates the height variances and the aesthetic improvements support a purpose of zoning.

The ability to screen the parking and create an efficient parking plan are reasons to support granting the parking variances. Other parking options are available nearby through public parking facilities.

Simcox: the stairways are designed as refuge spaces during a fire and meet the code requirements for exits.

Public:

Charlie Kratovil: It is an impressive plan. What is the proposed rent.

Sisler: Prices are not set but likely in the \$600+ per bed range.

Kratovil – are non-students allowed Sisler: yes

Kratovil is appreciative that public comments made at other hearings have been incorporated into this plan. It is a first-rate building and addition to the community.

Domenic Mazzi – father owns adjacent property and he is an engineer.

Has a sun shading diagram been prepared?

Simcox: In winter, Mazzi's building will be shaded but will have sun at other times of year.

Mazzi - Can the storm water discharge be tied directly to the pipe?

Bogan – it empties to the street as the nearest catch basin is over 1,000 ft away. He has designed similar systems in this neighborhood and has not had problems.

Kelso – there will be on-site management to address icing conditions.

Mazzi – the driveway pitch seems steep and he is concerned with pedestrian visibility.

Bogan: the top of the driveway area has a landing to provide adequate site distance.

Mtch Broder – He owns a similar property around the corner. He supports this project as it improves the neighborhood.

Motion: Chester
 Second: Maloney

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

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

James Clarkin, Esq – The project is to construct a 3-story addition to an existing 2.5 story building. The building is and has been vacant for several years. The proposal is to change the unit to residential use with studio and 1BR apartments. There are 25 units proposed. The project is a conditional use in the C-4 use and it meets all conditions except for parking.

The proofs for the conditional use variance are less significant than for a use variance as the zoning ordinance anticipates this use in the zone. This project is similar to the conversion of the old County Admin. Building to residential use, which has no on-site parking. This building will share parking with the adjacent office building and 15 will be reserved for residential use.

The applicant also seeks a subdivision to split the residential use from the office use.

The existing building is older and outdated. The owner has not been able to rent the office space during the past two years despite continually offering its.

Kemlash Shah, Architect. -

No changes are proposed to the adjacent office building. The existing lower two floors of this building will have a new facade created and 3 stories will be added on top with the new floors set back from the street. The facade will be a mix of an EFIS system and thin brick (vener)..

The interior will have an atrium like area to create more light and air in the interior.

The entrance will be a double-door entry. The applicant will work with staff to make the entrance way stand out more and increase its visual appeal.

All levels of the building are handicapped accessible. The target market is students. Bike racks will be provided in the rear.

Steve Parker, Engineer:

As the site is nearly fully developed and paved, there is little engineering for the site. Not many changes are proposed from the existing conditions. An additional 7 stalls will be added from the existing parking situation. Parking will be assigned to residential tenants. Unauthorized parkers will be towed.

There is no landscaping proposed as there is no room on the site for it. A subdivision is proposed and cross-easements will be provided between the properties. The applicant will comply with the Board Engineer's memo.

Trash will be handled with the existing trash stream.

Chester expressed concerns about residential trash being added to the trash stream. The applicant said the frequency of pickup can be increased if necessary.

Gordon Neff, Traffic Engineer

The office and residential uses will have different peaks and flow in different directions. The project will add about 4 cars per hour during the highest peak and will not reduce the level of service on adjacent roads.

The parking standard is 108 spaces and 48 are provided. However, 7 new spaces are being provided. The City's progressive parking ordinance allows and encourages shared parking between residential and office uses. This allows most of the 39 office parking spaces to be used for residential use at night. The site therefore has adequate parking.

Les Nebenzahl, Planner

Multifamily residential is an allowed conditional use. The applicant is only deficient as to parking spaces. Pursuant to the Coventry Sq. standards, the board does not have to find a justification for the use but that the site can accommodate the proposed use. Therefore, the adequacy of the parking is the only issue for the board. The parking is adequate as the target market is Rutgers students and people who rely on transit. The traffic expert testified as to the adequacy of the parking for the site.

There is no detriment to the public good. The parking testimony shows that the parking will be adequate. There will be no impairment to the zone plan as the RSIS standards mandated for the site are not appropriate for an urban area like this.

The applicant will comply with the planner's memo.

Public:

Charlie Kratovil -

What is anticipated rent? Clarkin – it is not known at this time.

Will the residential be connected to the office? Shah- no connection except for fire egress. Project should not be approved as there is a detriment as the parking is not adequate and has to be paid for. Trash pickup is not adequate. Lighting should also be improved. The project is also not likely to attract Rutgers students and needs more parking.

Mitch Broder -

He is an office tenant in the adjacent building. The vacant building has been a problem in the neighborhood. The proposed building is an improvement. The parking demand is market driven and if people need parking, they won't rent here. Agrees the lighting should be improved.

Clarkin – City's ordinance allows for shared parking when you have uses with different peak. The market will address parking demand.

Coppala – is trash private pick up? Clarkin – no

Patterson – city doesn't pick up dumpsters Clarkin – client will then have private pickup

Motion: Cox

Second: Maloney

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

VIII. NEW BUSINESS

- A. RAFAEL GOMEZ, Z-2012-09**, Site plan and variance application for the construction of an addition and the paving of a parking area located at 125 French Street, Block 30, Lots 36.01, 38, and 39, Zoning Districts: C-2A and R-5A

The applicant requested to postpone the hearing until the following meeting. A public announcement of the change was made to the public as to the new hearing date of January 28, 2013.

- B. MARILYNN WINSTON, Z-2012-10**, Variance application for the use of the house as a three-family dwelling located at 24 Seaman Street, Block 175 Lot: 29.01, Zoning District: R-5A

The applicant requested to postpone the hearing until the following meeting. A public announcement of the change was made to the public as to the new hearing date of January 28, 2013

IX. ADJOURNMENT

10:15 pm