

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
FEBRUARY 6, 2015
COUNCIL CHAMBERS
7PM**

OPEN PUBLIC MEETINGS ACT

ROLL CALL OF COMMISSIONERS

PRESENT

**Katiria Cobian
Barry E. Dobson
Bertha A. Freeman
Anton L. Lendor
Julius Montford
Rose Marie Ruivo
Terence Baine, Chairman**

ALSO PRESENT

**Ade Afolabi, Zoning Officer
N'dela Costley, Acting Board Secretary
Maria Hernandez, Recording Secretary
Angelo Cifelli, Board Attorney**

ABSENT

**Charles N. Hall
Charles I. Auffant**

COMMUNICATION

Request for an amendment: 134 Pacific Street denied. Applicant must submit a new application and return to the Board.

Pending Applications:

Application: 16-14-B
Ward: East
Premises: 485-491 McCarter Hwy; 47-57 Pennington St, 48-56.5 Tichenor Street
Applicant: Costa's Management Co., Inc.
To Permit: In the Lincoln Park Redevelopment Plan Area, amended final site plan approval to permit the modification of an existing pylon sign; installation of a freestanding monument sign and widening of two driveways within the existing Carwash, quick Lube and Detailing Center. Digital sign does not conform to requirements as outlined in the Redevelopment Plan; Monument sign exceeds permitted height; Driveway exceeds permitted width. **Seeking Sign Variances for modification of existing monument sign; exceeding permitted sign height, freestanding monument sign. Postponed November 20, 2014 and December 11, 2014. The applicant requested an adjournment due to a schedule conflict. A motion was made by Commissioner Montford and seconded by Commissioner Lendor to adjourn this application to March 12, 2015. There were no objectors present. Motion carried 7-0.**

Application: 16-14-C
Ward: North
Premises: 507-517 Bloomfield Avenue
Applicant: Better Days Adult Medical Day Care, LLC
To Permit: In the Second Business District, proposed establishment of an adult medical day care facility for 100 participants on the first floor of a vacant building. Second floor will remain vacant. Adult medial day care facilities are not permitted in B2 zone. **Seeking a Use Variance and C Variance for insufficient parking. Preliminary and Final Site Plan approval required. Postponed November 21, 2014 and January 22, 2015. The applicant requested an adjournment in order to provide floor plans. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Dobson to adjourn this application to March 12, 2015. Motion carried 7-0.**

Application: 17-14-A
Ward: East
Premises: 206 ½ Astor Street
Applicant: Allison and Berlinda Eboh
To Permit: In the First Industrial District, proposed two story addition and conversion of a one family into a two family dwelling. Project does not meet the requirements of the Zoning Regulations. **Seeking C Variance for Insufficient lot area per family; C Variances for insufficient lot size, insufficient lot width and no on-site parking. Postponed December 11, 2014. Fausto Simoes, Esq., Daniel Roma, Architect and Paul Ricci, Professional Planner appeared before the Board. A**

motion was made by Commissioner Lendor and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated December 9, 2014.

Application: ZBA-15-4

Ward: East

Premises: 2-16 Avenue C

Applicant: 2 Avenue C LLC/Anderson Vieira

To Permit: In the Second Industrial District, proposed truck repair shop on the first floor and office space on the second floor. Project does not meet the Conditional Use Requirements as stipulated under Title 40:4-81, 2. Seeking D3 Variance for driveway with width exceeding 20 feet; C Variance for no on-site parking and Sign Variance for projection sign exceeding max area. Preliminary and Final Site Plan approval required. Postponed January 8, 2015. Fausto Simoes, Esq., Jose Gennaro, Architect and Anderson Viera, Owner appeared before the Board. There were 3 objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Lendor to approve this application with conditions. Motion carried 7-0. Preliminary and Final Site Plan approved 7-0.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to comply with the recommendations #1, 2, 4 outlined in the Planner's Staff Report dated January 2, 2015.
- Applicant agreed to plant a tree in another location in the City.
- No repairs on the street.

New Applications:

Application: ZBA-15-7

Premises: 1037-1047 Bergen Street

Applicant: Bergen Street Redevelopment LLC

To Permit: In the Bergen South Redevelopment Plan Area, amended Final Site Plan Approval for the new construction of an eight story mixed use structure consisting of 3,289 sq feet of commercial space, fifty six residential units and fourteen parking spaces. The Board of Adjustment granted approval April 10, 2014 to construct a five story mixed use structure consisting of thirty two residential units, commercial space and sixteen parking spaces. Project does not conform to the Redevelopment Plan. Exceeds permitted density and building height. Seeking a D⁵ Variance for exceeding permitted number of residential units; D⁵ Variance for exceeding permitted building height; C Variance for impervious lot coverage and insufficient front

yard setback and insufficient parking. Jennifer Carrillo-Perez, Esq., Fred Cooke, Architect, Mark Cifelli, Engineer and Paul Ricci, Professional Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Dobson and seconded by Commissioner Lendor to approve this application with conditions. Motion carried 7-0. Preliminary and Final Site Plan approved. Motion carried 7-0.

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated January 28, 2015.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Memorialization

209-211 Broad Street

Next Regular Meeting: February 26, 2015

Adjournment