

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
May 28, 2015
COUNCIL CHAMBER
7PM**

OPEN PUBLIC MEETINGS ACT

ROLL CALL OF COMMISSIONERS

PRESENT

**Terence Baine
Andrea Bryant
Katiria Cobian
Barry E. Dobson
Charles N. Hall
Julius Montford
Anton L. Lendor
Charles Auffant, Chairman**

ALSO PRESENT

**N'dela Costley, Acting Board Secretary
Maria Hernandez, Recording Secretary
Angelo Cifelli, Board Attorney**

ABSENT

Rose Marie Ruivo

COMMUNICATION

Welcome Ms. Andrea Bryant, West Ward Board Member

Pending Applications:

Application: ZBA-15-5
Ward: East
Premises: 360 New York Avenue
Applicant: Bocer Associates Urban Renewal, LLC
To Permit: In the Third Residential District, proposed new construction of a 4 story mixed use structure consisting of an educational use on the ground and second floors, a total of 37 residential units and a total of 50 underground and ground level parking spaces. Project does not conform to the Zoning Regulations. **D Variance for exceeding permitted lot area per family; C Variances for insufficient rear yard and insufficient parking were approved March 26, 2015. Preliminary and Final Site Plan approval required.** The application was amended to reduce the number of residential units from 37 to 35. The building footprint is reduced by 8 inches in the rear to allow for a minimum 3 foot clearance from the adjacent residential dwelling. Due to the building reduction, the western drive aisle width is adjusted accordingly. Postponed May 14, 2015. Fausto Simoes, Esq. appeared before the Board. There were 14 objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Hall to grant Preliminary and Final Site Plan approval. Motion carried 6-0.

Application: ZBA-15-9
Ward: West
Premises: 573-581 Central Avenue
Applicant: Vrund Vrusha Inc.
To Permit: Under Title 41 of the Newark Zoning & Land Use Regulation, in the C2 Commercial District, Formerly in the Northern Fairmount Redevelopment Plan Area, proposed change of use from an vacant night club to a retail liquor store and retail cell phone store. Liquor Stores are not permitted under Title 41 Newark Zoning Land Use Regulations. **Seeking a D¹ Use Variance; and C Variances for insufficient rear yard and insufficient side yard. Preliminary and Final Site Plan approval required.** Postponed April 9, 2015, April 23, 2015 and May 14, 2015. Fausto Simoes, Esq. appeared before the Board. There were two objector present. A motion was made by Commissioner Baine and seconded by Commissioner Hall to proceed with this application since it was denied June 2014. A motion was made by Commissioner Baine and seconded by Commissioner Hall to approve this application with conditions. Motion carried 5-2. Preliminary and Final Site Plan approved 5-2.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Division of Water/Sewer Utilities.
- Applicant agreed to comply with the conditions outlined in the Planner's Staff Report dated April 2, 2015.
- Property cannot be subdivided.
- No Left Turn sign shall be placed at the exit of the lot.
- Opening time is 10:00 a.m. instead of 9:00 a.m.

- **Armed Guard must be present from 5:00 p.m. to close.**

Application: ZBA-15-10
Ward: North
Premises: 2-12 Gouverneur Street
Applicant: United Auto body Works, LLC
To Permit: In the Third Business & Fourth Residential District, proposed change of use from auto mechanic to commercial retail building and a 1,990 sq. ft addition. Commercial/Retail is not permitted in the R4 District under Title 40 of the Zoning Regulations. **Seeking a Use Variance; C Variance for insufficient rear yard; Variance for a pylon sign. Preliminary and Final Site Plan approval required. Postponed April 9, 2015 and May 14, 2015. The application was withdrawn by the applicant.**

Application: ZBA-15-13
Ward: Central
Premises: 352-358 Springfield Avenue
Applicant: TD Bank, N.A.
To Permit: Under Title 40 of the former Zoning Ordinance, in the Second Business District, Proposed installation of a one-lane remote drive-thru and ATM, which is not permitted in the zone. **Seeking a D¹ Use Variance only. Site Plan application is bi-furcated. Postponed April 23, 2015. Adjourned to July 9, 2015.**

Application: ZBA-15-16
Ward: Central
Premises: 189-215 Springfield Avenue
Applicant: Sciaretta Enterprises, LLC
To Permit: In the Old Third Ward Redevelopment Plan Area, proposed amended Final Site Plan Approval to reduce building size, location of building, change the entrance of the retail store, reconfiguration of the parking and installation of an outdoor ATM. Project does not conform to the redevelopment plan. **Seeking D¹ Use Variance for the ATM; Modification of the D Variance received for a detached retail use; C Variance for sign size. Amended Final Site Plan approval required. Postponed April 23, 2015. Adjourned to July 9, 2015.**

New Application:

Application: ZBA-15-18
Ward: Shiloh Apostolic Church Living Word Center Inc
Premises: 413-427 S. 17th Street
Applicant: Shiloh Baptist Church

To Permit: In the Third Residential District, proposed House of Worship with meeting rooms and offices. Failure to meet conditional use requirements. Seeking D Variance for buffer requirements and c variances for minimum front and rear yard setback, transparency and impervious coverage. Preliminary and Final Site Plan approval. Adjourned to July 9, 2015.

Memorialization

ZBA-15-15 9-39 McClellan Street

Next Regular Meeting: June 11, 2015

Adjournment