

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
AUGUST 13, 2015
COUNCIL CHAMBER
7PM**

OPEN PUBLIC MEETINGS ACT

ROLL CALL OF COMMISSIONERS

PRESENT

**Terence Baine
Andrea Bryant
Barry E. Dobson
Charles N. Hall
Julius Montford
Rose Marie Ruivo
Charles Auffant, Chairman**

ALSO PRESENT

**N'dela Costley, Acting Board Secretary
Walford Ennis, Recording Secretary
Angelo Cifelli, Board Attorney**

ABSENT

**Katiria Cobian
Anton L. Lendor**

Pending Applications:

Application: ZBA-15-13
Ward: Central
Premises: 352-358 Springfield Avenue
Applicant: TD Bank, N.A.
To Permit: In the C2 Community Commercial District, proposed installation of a one-lane remote drive-thru and ATM, which is not permitted in the zone. Seeking a D¹ Use Variance; C Variances for lighting, illumination and exceeding permitted fence height. A waiver for violating the buffer requirements. Preliminary and Final Site Plan approval required. Postponed April 23, 2015 due to a deficient public notice, May 28, 2015 per Applicant's request and July 9, 2015 at the applicant's request to address the concerns in the Planner's Report. William Harrison, Esq., Brad Bohler, Professional Engineer and John McDonough appeared before the Board. There were no objectors present. Since revisions were made to the plan, the application must be adjourned and revised plans must be submitted to the Board. Adjourned to October 8, 2015.

Application: ZBA-15-24
Premises: 153-163 Ridge Street
Ward: North
Applicant: Dumac, Inc.
To Permit: In the R3 Third Residential District, proposed Trade Contractor Office with a Garage and Equipment Storage. Trade Contractor and other related uses are prohibited in R3 District. Seeking a Use Variance; C Variances for no rear yard setback, side yard setback, building type, exceeding maximum lot coverage, landscape buffer, maximum fence height, minimum front, rear, side yard fenestration and waiver for lighting plan. Preliminary and Final Site Plan approval is required. Postponed June 11, 2015 since there was not a full board present. Fausto Simoes, Esq., Frank Mileto, Architect and Manny Rosa, Real Estate Broker appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Bryant to approve this application with conditions. Motion carried 6-1. Preliminary and Final Site Plan approved 6-1.

- 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 recommendations outlined in the planner's staff report dated June 9, 2015.

Application: ZBA-15-19
Premises: 58-60 Elm Street
Ward: East
Applicant: GSMJ Group

To Permit: In the Mixed Use MX1 Residential/Commercial District, proposed demolition of existing buildings and new construction of a 6 ½ story building consisting of 30 residential units over parking. Project does not conform to the Zoning and Land Use Regulations. Seeking a D Variance for insufficient Lot Area Per Dwelling; exceeding permitted building height by 10%, C Variances for insufficient rear yard setback, insufficient parking, exceeding impervious lot coverage, insufficient lot size and insufficient side glazing. Preliminary and Final Site Plan approval required. Postponed June 11, 2015 since there was not a full board present. Revised plans were submitted July 31, 2015 to reflect an increase in the size the lobby. Fausto Simoes, Esq., Joe Asfour, Architect, Mr. Gomes, Applicant and John McDonough appeared before the Board. There were 14 objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to approve this application with conditions. Motion carried 5-2 Preliminary and Final Site Plan approved. Motion carried 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 recommendations outlined in the Planners' Reports dated June 9, 2015, August 10, 2015 and August 11, 2015.

Application: ZBA-15-11
Premises: 842-862 McCarter Highway
Ward: North
Applicant: Outfront Media LLC
To Permit: In the Newark Riverfront Redevelopment Plan Area, proposed upgrade of existing static billboard to Digital LED Billboard. Sign does not conform to the Sign Ordinance. Seeking a D Variance for expansion of a non-conforming use; C Variances for exceeding permitted distance between signs; exceed maximum advertising area, exceeds height limitation by 5 feet. Postponed June 11, 2015 at the applicant's request to address the concerns in the Planner's Report. The applicant's attorney requested an adjournment to allow time to revise the plans to conform to the planner's report. A motion was made by Commissioner Hall and seconded by Commissioner Baine to adjourn this application to October 8, 2015. Motion carried 6-0.

Application: ZBA-15-27
Premises: 254-266 Central Avenue
Ward: Central
Applicant: RSR Central, LLC
To Permit: In the Broad Street Station Redevelopment Plan Area/Baxter Nesbitt Sub district, proposed Dunkin Donuts with drive thru window. Drive thru windows are not permitted under the redevelopment plan. Seeking a D¹ Use Variance and Sign

Variances. Preliminary and Final Site Plan approval is required. Postponed June 25, 2015 due to deficient public notice. Jason Tuvel, Esq., Cynthia Floos, Architect and Mathew Jeckler, Principal Planner appeared before the Board. There was one objector present. A motion was made by Commissioner Hall and seconded by Commissioner Dobson to approve this application with conditions. Motion carried 6-1. Preliminary and Final Site Plan approved 6-1.

- 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 recommendations outlined in the planner's staff report dated August 11, 2015.
- Applicant agreed to restrict Right turn only on Central Avenue.
- Applicant agreed to erect a "No Left Turn " Sign on Central Avenue.
- Applicant agreed to line stripe parking spaces to delineate the drive thru area.
- Applicant agreed to close the que when there are 10 cars in que.

New Application:

Application: ZBA-15-28
Premises: 398 Summer Avenue
Ward: North
Applicant: PG Property Newark LLC
To Permit: In the Fourth Residential District, proposed minor subdivision creating two new lots and new construction of a two family dwelling on lot 4.02 fronting on Woodside Avenue. The existing three family dwelling fronting Summer Avenue will remain. Project does not conform to the Zoning and Land Use Regulations. Seeking D Variance for insufficient lot area per dwelling; C Variances for insufficient lot area, lot width, insufficient side yard and rear yard setback. Minor Subdivision approval is required. Michael Oliveira, Esq. requested an adjournment due to the late hour. A motion was made by Commissioner Montford and seconded by Commissioner Dobson to adjourn this application to September 24, 2015. Motion carried 7-0.

Memorialization

**575-581 Central Avenue
1385-1399 McCarter Highway**