

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
OCTOBER 8, 2015
COUNCIL CHAMBER
7PM**

Open Public Meetings Act

Roll Call

Present

Terence Baine

Katiria Cobian

Barry Dobson

Charles N. Hall

Julius Montford

Rose Marie Ruivo

Charles Auffant, Chairman

Also Present

N'dela Costley, Acting Board Secretary

Ade Afolabi, Zoning Officer

Walford Enniss, Recording Secretary

Angelo Cifelli, Board Attorney

Perris Straughter, Supervising Planner

Mark Barksdale, Director of Planning

Absent

Andrea Bryant

Requests for withdrawals or postponements

ZBA-15-41 16-24 Prince Street; 13-21 Broome Street

Hearing of scheduled cases

Pending Applications:

Application: ZBA-15-41
Premises: 16-24 Prince Street; 13-21 Broome Street
Applicant: Metropolitan Senior Housing, LLC
To Permit: In the R3, Third Residential District, proposed construction of a new four story senior residential building consisting of 58 residential units and 26 ground level parking spaces. Multi-family residential is not permitted in R3 Zone. **Seeking a D¹ Use Variance; D⁵ Density Variance; C Variances for insufficient front and rear yard setback, insufficient parking, exceeding maximum lot coverage and maximum impervious rear yard. Preliminary and Final Site Plan approval required. Postponed July 9, 2015 and July 21, 2015. The applicant's attorney requested an adjournment to address community concerns. There were no objectors present. A Motion was made by Commissioner Dobson and seconded by Commissioner Hall to adjourn this application to December 10, 2015. Motion carried 7-0.**

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. Traffic Study and revised plans received September 23, 2015. William Harrison, Esq., Brad Bohler, Engineer and C. Chase, Traffic Engineer appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner hall to approve this application with conditions. Motion carried 6-1. Preliminary and Final Site Plan approved 6-1.**

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Reports dated April 17, 2015, August 10, 2015 and September 29, 2015.
- Applicant agreed to comply with the directives from the Dept. of Engineering.
- No left turns on Bergen Street and 16th Avenue.

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 an existing two sided static billboard into a Digital LED Billboard. LED Billboard does not conform to the Sign Ordinance. **Seeking a D² 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 and August 13, 2015 at the applicant's request to address the concerns in the Planner's Report. Application was revised September 1, 2015 to convert only one of the two existing sign faces into a Digital LED Billboard. Reginald Jenkins, Esq., Ron Tourtellot, Applicant and Alex Zepponi, Engineer and Professional Planner appeared before the Board. There was one objector present. A motion was made by Commissioner Ruivo and seconded by Commissioner Dobson to approve this application with conditions. Motion carried 7-0.**

- **Applicant agreed to comply with recommendation # 4 outlined in the Planner's Reports dated June 9, 2015 and October 2, 2015.**

New Applications:

Application: ZBA-15-33
Premises: 110 Bruen Street
Ward: East
Applicant: M & M Development, LLC
To Permit: In the MX1 Mixed Use, Residential/Commercial District, applicant proposes to renovate and construct a 549 square foot addition at the rear of an existing two (2) family dwelling. **Seeking C Variances for insufficient lot area, insufficient lot width, insufficient lot area per dwelling, insufficient rear yard setback, maximum lot coverage, maximum impervious front yard coverage and insufficient off street parking. Marsha Moore, Esq., Joaquin Bouzas, Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Hall 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 October 7, 2015.**

Application: ZBA-15-51
Premises: 372-374 Sixth Avenue West
Ward: West
Applicant: 372-374 Sixth Avenue Limited Liability Company

To Permit: In the R3, Third Residential District, applicant proposes to renovate and convert two ground floor stores to two (2) additional apartments resulting in six (6) apartment dwelling. **Low Rise Multi Family Dwellings are not permitted in R3. Seeking a D¹ Use Variance; C Variances for insufficient lot area, lot width, insufficient side yard setback, exceeding maximum impervious rear yard, insufficient building transparency for primary front façade; right side and left side facades and insufficient off-street parking. Preliminary and Final Site Plan approval is required. Michael Halikas, Esq., and Daniel Roma, Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Cobian and seconded by Commissioner Hall 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 October 2, 2015.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Application: ZBA-15-48

Premises: 19-33 Fenwick Street

Ward: South

Applicant: Greenbranch Recovery

To Permit: In the EWR-S Airport/Airport Support District, applicant proposes alcohol and drugs rehab-counseling facility for adults. **Seeking a D¹ Use Variance; C Variance for minimum front, rear, and side yard setbacks; C Variance for less than permitted building transparency, exceeding maximum impervious front yard coverage, primary of entrance that is not at the primary street-facing façade and insufficient off-street parking; Preliminary and Final Site Plan approval is required. Due to the late hour, the applicant requested an adjournment. There were 11 objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Dobson to adjourn this application to November 19, 2015.**

Memorialization

ZBA-15-28	398 Summer Avenue
ZBA-15-38	374-404 South Street
ZBA-15-47	531-551 Springfield Avenue
ZBA-15-27	254-266 Central Avenue

Next Regular Hearing

October 22, 2015

Adjournment