

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
OCTOBER 22, 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-15-45 111-123 Chestnut Street Appeal

ZBA-15-36 111-123 Chestnut Street

Hearing of scheduled cases

New Applications:

Application: ZBA-15-40
Premises: 336 Madison Avenue
Ward: South
Applicant: Sharlene Wu
To Permit: In the R2 Second Residential District, proposed legalization of an existing two family dwelling. The two family dwelling does not meet the bulk requirements. **Seeking C Variances for insufficient lot size, insufficient lot width, insufficient rear yard setback, insufficient building transparency and no parking. Juliana Blackburn, Esq., Mark Bess, Architect and John McDonough, Principal Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Montford to approve this application. Motion carried 5-0.**

Application: ZBA-15-42
Premises: 452-454 Avon Avenue
Ward: Central
Applicant: Flor Rohr
To Permit: In the R3 Third Residential District, proposed conversion of a vacant commercial building into a childcare facility. Project fails to meet the conditional use bulk requirements and on-site circulation requirements. **Seeking D³ Variance for failing to meet the conditional use requirements; C Variances for insufficient rear yard setback, exceeding maximum impervious yard coverage and insufficient parking. Preliminary and Final Site Plan approval required. Application cannot be heard because the plans are incomplete. There were two objectors present. Adjourned to November 19, 2015.**

Application: ZBA-15-46
Premises: 108 Sherman Avenue
Ward: South
Applicant: La Verdadera Iglesia Cristiana, Inc.
To Permit: In the R3 Third Residential District, proposed conversion of a vacant commercial building into a House of Worship. Project fails to meet one conditional use requirement. Houses of Worship shall be located on a collector or arterial street. **Seeking D³ Variance for failing to meet the conditional use requirements; C Variances for insufficient side yard setback, insufficient rear yard setback, exceeding maximum lot coverage, insufficient parking and a sign variance. Preliminary and Final Site Plan approval required. Douglas Mautner, Esq., Daniel Roma, Architect, John McDonough, Professional Planner and Lisette Ortiz, Applicant appeared before the Board. There were no objector's present and 12 proponents present. A motion was made by Commissioner Montford and seconded by Commissioner Hall to approve this application with conditions. Motion carried 7-0. Preliminary and Final Site Plan approved.**

Application: ZBA-15-56
Ward: East
Premises: 94-106 Polk Street
Applicant: J.V Construction and Development, LLC
To Permit: In the R4 Fourth Residential District, proposed construction of a five (5) story building consisting of four-stories of residential totaling forty-eight dwelling units over one-story parking. Forty-eight dwelling units with forty-eight parking spaces. Mid-Rise Multi-Family Dwellings are not permitted in the R4 zone. **Seeking a D¹ Use Variance and a D⁵ Variance for exceeding permitted Density; C Variances for building type, exceeding permitted building height, insufficient rear yard setback, exceeding maximum lot coverage, insufficient building transparency and insufficient parking. Preliminary and Final Site Plan approval required. Bette Grayson, Esq., Joe Asfour, Architect, John McDonough, Principal Planner, Jerry Vecchio, Developer and Mr. Staiger, Traffic Engineer appeared before the Board. There were 13 objectors present and 9 proponents present. A motion was made by Commissioner Ruivo 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 directives from the Dept. of Engineering and Division of Water/Sewer Utility.
- Applicant agreed to comply with the recommendations outlined in the Planner's Report dated October 16, 2015.

Appeal: ZBA-15-45
Premises: 111-113, 115-123 Chestnut Street
Ward: East
Applicant: Ironbound Sports Complex Inc.
To Permit: In the MX-1 Mixed Use District, an Appeal against the Newark Landmark and Historic Preservation Commission's decision to deny an application to construct an indoor sports recreation facility. The Commission determined that the proposed design of the indoor sports recreation facility would not be in keeping with the standards for new construction set forth in Title 41:10-17 of the Zoning and Land Use Regulations. The Board cannot hear the application due to an outstanding tax lien and bankruptcy. There were 13 objectors present. Adjourned to December 10, 2015.

Application: ZBA-15-36
Premises: 111-113, 115-123 Chestnut Street
Ward: East
Applicant: Ironbound Sports Complex Inc.
To Permit: In the MX-1 Mixed Use District, proposed indoor sports recreation facility. Commercial recreation facilities are not permitted in the MX-1 zone. **Seeking a D¹ Use Variance; C-Variances for insufficient rear yard setback and insufficient parking, Exceeds maximum lot coverage; Exceeds maximum number of signs permitted. Preliminary and Final Site Plan approval required.** The Board cannot hear the application due to an outstanding tax lien and bankruptcy. There were 13 objectors present. Adjourned to December 10, 2015.

Application: ZBA-15-63
Ward: West
Premises: 93-101 14th Avenue
Applicant: New Community Corporation
To Permit: A one year extension of final site plan approval to construct a Shelter (multi-residence permanent supportive housing for formerly homeless persons) in the Second Business District and Third Residential District. The BOA granted a Use Variance, C-Variations for insufficient side yard setbacks and Preliminary & Final Site Plan approval on October 25, 2012 and a one year extension of final site plan approval on October 23, 2014. Douglas Angoff, Esq., appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Hall to grant a one year extension. Motion carried 6-0.

Memorialization

ZBA-15-13	352-358 Springfield Avenue
ZBA-15-11	842-862 McCarter Highway
ZBA-15-33	110 Bruen Street
ZBA-15-51	372-374 Sixth Avenue West
ZBA-15-19	58-60 Elm Street

Next Regular Meeting: November 12, 2015

Adjournment