

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
DECEMBER 10, 2015
COUNCIL CHAMBER
7PM**

Open Public Meetings Act

Roll Call

Present

Terence Baine

Katiria Cobian

Denise Cook

Barry Dobson

Julius Montford

Terry Pringle-Khalif

Rose Marie Ruivo

Charles Auffant, Chairman

Also Present

N'dela Costley, Board Secretary

Ade Afolabi, Zoning Officer

Walford Enniss, Recording Secretary

Angelo Cifelli, Board Attorney

Mark Barksdale, Director of Planning

Absent

Charles Hall

Communications

None

Agenda Items

Pending Applications:

Application: ZBA-15-41
Premises: 16-24 Prince Street
Ward: Central
Applicant: Metropolitan Senior Housing, LLC
To Permit: In the R3 Third Residential District, proposed fifty eight (58) unit senior residential dwelling. This project does not meet the requirements of the Zoning Regulations. **Seeking a D¹ Use Variance; Seeking D Variance for maximum density; C Variance for front yard setback, rear yard setback, maximum lot coverage, maximum impervious coverage and minimum parking requirements. Postponed July 7, 2015, July 21, 2015 and October 8, 2015. The applicant's attorney submitted a letter on December 1, 2015 to withdraw the application.**

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. **Postponed October 8, 2015. The tax certification was not filed 10 days prior to hearing; therefore the application could not be heard. There were 25 objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Dobson to adjourn this application to January 14, 2015. Motion carried 6-1.**

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-Variations 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. Postponed October 8, 2015. The tax certification was not filed 10 days prior to hearing; therefore the application could not be heard. There were 25 objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Dobson to adjourn this application to January 14, 2015. Motion carried 6-1.**

Application: ZBA-15-52
Premises: 45 South Street
Ward: East

Applicant: Louis Rego
To Permit: In the R4 Fourth Residential District, proposed conversion of existing one family into a three family dwelling. This project does not meet the requirements of the Zoning Regulations. **Seeking D Variance for insufficient lot are per family; C Variances for insufficient lot width; insufficient side yard; exceeds maximum impervious front yard area; insufficient rear façade transparency; and no off street parking. Preliminary and Final Site Plan approval required. Postponed November 12, 2015. Daniel A. Roma, Architect and Louis Rego, Applicant appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine 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 Division of Water/Sewer Utilities.
- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated November 3, 2015.
- The street tree will only be replaced if it is damaged.
- No shower in the basement bathroom.

New Applications:

Application: ZBA-15-37
Premises: 28-34 Haynes Avenue
Ward: South
Applicant: Justice K. Asante
To Permit: In the EWR-S Airport/Airport Support District, self-storage facility. Project does not conform to the requirements of Zoning Regulations. Project does not meet the standards set for Airport/Airport Support District. Drive-up self-storage is prohibited in Airport/Airport Support District zone. **Seeking a D¹Use Variance; Seeking C Variances for exceeding permitted impervious yard coverage, insufficient building transparency, less than required front yard landscaping, exceeds maximum permitted height for fence and fence along a public right of way and waiver for insufficient tree planting requirements. Preliminary and Final Site Plan approval required. Russell Rosicki, Architect and Justice Asante, Applicant appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Cobian to Deny this application. Motion carried 6-1.**

Application: ZBA-15-50
Premises: 35 Libella Court
Ward: East
Applicant: 35 Libella Court LLC
To Permit: In the I1 First Industrial District, proposed accessory surface parking lot for an existing poultry distribution facility located at 63-67 Blanchard Street. Surface parking lots as an accessory to a permitted use in I1 light Industrial Zone is allowed under the current Zoning Regulations with exceptions: Storage of commercial

vehicle is not permitted. **Seeking a D¹ Use Variance for Storage of Commercial Vehicles; C Variances for less than required landscaping and exceeds permitted fence height, fence along a public right of way. Preliminary and Final Site Plan approval required. The applicant's attorney withdrew the application.**

Application: ZBA-15-61
Premises: 418-430 Central Avenue
Ward: Central
Applicant: JPD, Inc.
To Permit: In the C2, Community Commercial District, proposed accessory surface parking lot for an existing factory located at 418-424 Central Avenue. Expansion of a legal non-conforming factory by creating accessory parking is prohibited in C2 Zone. Seeking a D² Variance for expansion of a non-conforming use; C Variances for exceeding maximum impervious area. **Preliminary and Final Site Plan approval required. Marsha Moore, Esq., Daniel Roma, Architect and John McDonough, Principal Planner and Steve Serratelli, Applicant appeared before the Board. There were 2 objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine 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 outlined in the Planner's Staff Report dated December 4, 2015.**

Application: ZBA-15-69
Premises: 104-180 Foundry St
Ward: East
Applicant: 104 Foundry Street Realty LLC
To Permit: In the I2 and I3 Industrial Districts, proposed outdoor vehicle storage associated with an auto rental/auto sales business for two tenants. Outdoor storage is prohibited in I2 zone. **Seeking D¹ Use Variance. Preliminary and Final Site Plan approval required. Jennifer Carrillo-Perez, Esq., Vincent Vinegra, Engineer and Steve Pesce, Representative for the contract purchaser appeared before the Board. There was one objector present. A motion was made by Commissioner Ruivo and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0. Preliminary 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 recommendations outlined in the Planner's Staff Report dated December 4, 2015.**

Board Attorney Resolution/Contract

Memorialization

452-454 Avon Avenue

353-367 Park Avenue

797-829 Doremus Avenue

Next Regular Meeting: January 14, 2016

Adjournment