

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
JANUARY 14, 2016  
COUNCIL CHAMBER  
7PM**

Open Public Meetings Act

Roll Call

**Present**

Terence Baine

Denise Cook

Charles Hall

Barry Dobson

Julius Montford

Terry Pringle-Khalif

Rose Marie Ruivo (late)

**Also Present**

N'dela Costley, Board Secretary

Ade Afolabi, Zoning Officer

Walford Enniss, Recording Secretary

Angelo Cifelli, Board Attorney

Mark Barksdale, Director of Planning

Gerard Haizel, Planning Consultant

**Absent**

Katiria Cobian

Charles Auffant, Chairman

Communications

None

Agenda Items

### Pending Applications:

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 and December 10, 2015. There were 32 objectors present. Applicant requested application be withdrawn January 14, 2016.**

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 D<sup>1</sup> 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 and December 10, 2015. There were 32 objectors present. Applicant requested application be withdrawn January 14, 2016.**

### New Applications:

Application: ZBA-15-35  
Premises: 839-845 N. Sixth Street  
Ward: North  
Applicant: Classic Express Car Service LLC  
To Permit: In the C2 Community Commercial District, proposed interior renovation of existing commercial building to be used as taxi dispatch with offices. Existing auto repair shop shall remain. Taxicab Operation facilities are not permitted in C2zone. **Seeking a D<sup>1</sup> Use Variance; C Variations for insufficient rear yard setback, excessive maximum lot coverage, and insufficient parking. Preliminary and Final Site Plan approval required. Applicant requested an adjournment to address the issues outlined in the Planner's Staff Report. There were no objectors present. Postponed to February 11, 2016. Time period waived.**

Application: ZBA-15-58  
Premises: 59 ½ Pennsylvania Avenue  
Ward: East

Applicant: Jose Rosa  
To Permit: In the R3 Third Residential District, proposed legalization of existing retail use on first floor of a 3-story building, 2<sup>nd</sup> and 3<sup>rd</sup> floor shall remain residential. Retail sales of goods are prohibited in R3 zone. **Seeking a D<sup>1</sup> Use Variance; C Variances for insufficient lot size, insufficient side yard setback, excessive building coverage, excessive impervious rear yard area coverage, less than required building transparency, and no on-site parking. Preliminary and Final Site Plan approval required. Fausto Simoes, Esq., Jose Gennaro, Architect and Professional Planner and Jose Rosa, Applicant 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 with conditions. Motion carried 6-0. Preliminary and Final Site Plan approved 6-0.**

Application: ZBA-15-67  
Premises: 85-119 E Peddie Street  
Ward: South  
Applicant: World Group Properties of New Jersey, LLC  
To Permit: In the EWR Airport/Airport Support District, proposed vehicle storage and partial removal of existing building. Large truck tractors and trailers parking and storage shall remain. Expansion of a legal non-conforming use is prohibited in the EWR/Airport support zone. **Seeking a D<sup>2</sup> Variance for expansion of a non-conforming use; C Variances for minimum front yard setback, exceeding maximum lot coverage, excessive impervious yard area, exceeding maximum height allowed for fencing and fencing along public right-of-way. Preliminary and Final Site Plan approval required. Michael J. Oliveira, Esq., Anthony Garrett, Architect and Professional Planner, Gerard Haziell, Planner Consultant, D. Egarian, Engineer and Robert Leef, Applicant 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 6-0. Preliminary and Final Site Plan approved 6-0.**

- 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 January 4, 2016.

**Board Attorney Resolution/Contract**

**Memorialization**

418-430 Central Avenue  
104-180 Foundry Street  
45 South Street  
28-34 Haynes Avenue  
19-33 Fenwick Street

**Adjournment**

**Next Regular Meeting: January 28, 201**