

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

Open Public Meetings Act

Roll Call

Present

Terence Baine
Katiria Cobian
Denise Cook
Barry Dobson
Rose Marie Ruivo
Charles Auffant, Chairman

Also Present

N'dela Costley, Acting Board Secretary
Ade Afolabi, Zoning Officer
Maria Hernandez, Recording Secretary
Angelo Cifelli, Board Attorney
Mark Barksdale, Director of Planning
Gerard Haizel, Planning Consultant
Azka Mohyuddin, Planning Aide

Absent

Charles N. Hall
Julius Montford
Terry Pringle-Khalif

Communications

None

Agenda Items

A motion was made by Commissioner Baine and seconded by Commissioner Ruivo to change the order of the Agenda to list application ZBA-16-4 ; 54 Kossuth Street first.

New Application:

Application: ZBA-16-4
Premises: 54 Kossuth Street
Ward: East
Applicant: PMJ Construction, LLC
To Permit: In the Third Residential District, proposed demolition of existing two family dwelling and detached garage and construction of a new three story two family dwelling. Project does not conform to the Zoning Regulations. **Seeking C Variances for insufficient rear yard setback; exceeding front yard impervious coverage; less than required building transparency; and exceeding maximum building coverage.** Fausto Simoes, Esq. and Jose Gennaro, Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Cobian to approve this application with conditions. Motion carried 5-0.

- **The ground floor recreation room cannot be converted into an apartment.**

Pending Applications:

Application: ZBA-15-66
Premises: 92-94 Washington Street
Ward: Central
Applicant: Edison Properties, LLC
To Permit: In the Living Downtown Redevelopment Plan Area, Sub District C and in the James Street Commons Historic District, proposed expansion of a non-conforming surface parking lot. The Redevelopment Plan does not permit surface parking lots. **Seeking a D² Variance for expansion of a non-conforming use; C Variances for exceeding permitted fence height and to permit a wooden fence. Preliminary and Final Site Plan Approval Required. Postponed February 25, 2016.** Steve Mairella, Esq. requested an adjournment since a full board was not present. There were 29 objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to adjourn this application to June 9, 2016. Motion carried 6-0.

New Applications:

Application: ZBA-16-7
Premises: 114-118 Monroe Street & 269-171 Lafayette Street
Ward: East
Applicant: Lafayette Street Development, LLC
To Permit: In the MX-1 Mixed Residential and Commercial District, proposed increase number of rooms from 94 to 109 at six story hotel. Hotels are not permitted in MX-1 zone. **Seeking C Variances for; minimum building transparency on building façade; exceeding number of permitted signs on building facade; no on-site parking. Amended Site Plan approval required.** Michael Bertone, Esq., Darryl Alvarez, Engineer and Antonio Seabra 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 6-0. Amend 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 comment outlined in the Planner's Report dated April 12, 2016.
- Applicant shall submit a written agreement for 65 parking spaces to the Board Attorney.

Application: ZBA-16-8

Premises: 439 Orange Street

Ward: West

Applicant: Marcelo Ortega

To Permit: In the C2 Community Commercial District, proposed rehabilitation of an existing building to be used as an Auto Repair Facility. Public Garages for Auto Repair Facilities are not permitted in the C2 district. **Seeking a D¹ Use Variance; C Variances for insufficient parking, insufficient lot size; insufficient lot width and rear yard setback. Preliminary and Final Site Plan Approval required. Marsha Moore, Esq., Daniel Roma, Architect; Paul Ricci, Professional Planner and Jefferson Ortega, Applicant's Son appeared before the Board. There were no objectors present. A motion was made by Commissioner Cobian and seconded by Commissioner Baine 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 comments outlined in the Planner's Report dated April 11, 2016.
- Applicant must submit a detail sheet for the roll down gate
- No repairs, parking or storage of parts and vehicles on the public right-of-way.
- No spray booth or body work on the premises.
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Memorialization

22-26 Central Avenue

Adjournment

Next Regular Meeting: April 28, 2016