MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
APRIL 28, 2016
COUNCIL CHAMBER
7PM

Open Public Meetings Act

Roll Call

<u>Present</u>
Terence Baine
Denise Cook
Charles N. Hall
Julius Montford
Terry Pringle-Khalif
Rose Marie Ruivo
Katiria Cobian
Barry Dobson
Charles Auffant, Chairman

<u>Also Present</u>
N'dela Costley, Asst. Zoning Officer
Ade Afolabi, Zoning Officer
Azka Mohyuddin, Acting Board Secretary
Maria Hernandez, Recording Secretary
Angelo Cifelli, Board Attorney
Mark Barksdale, Director of Planning
Gerard Haizel, Planning Consultant

Communications
None

Pending Applications:

Application: ZBA-16-3
Premises: 74 Warwick Street
Ward: East
Applicant: Mario Espada
To Permit: In the Third Residential District, proposed demolition of an existing one family dwelling and garage to construct a new two family dwelling. Project does not meet the requirements of the Zoning Regulations. Seeking C-Variances for insufficient lot area; insufficient lot width; insufficient rear yard; exceeding maximum lot coverage. Postponed March 10, 2016. Revised plans submitted April 1, 2016 to reflect a rear yard setback of 30.10', which eliminates the rear yard variance. **Fausto Simoes, Esq., Daniel Roma, Architect and John McDonough appeared before the Board. There were three 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 comments outlined in the Planner's Staff Report dated April 25, 2016 and March 9, 2016.
- Applicant shall file a deed restriction for a two family dwelling.

Application: ZBA-16-2
Premises: 107 Hawkins Street
Ward: East
Applicant: Pour Abbey's Bar
To Permit: In the Third Residential District, proposed new Rooftop terrace above the existing bar and grill restaurant to be utilized as an outdoor seating area. Expansion of a legal-non conforming use is prohibited in R3 Zone. Seeking a D^2 Variance for expansion of a non-conforming use; C Variances for insufficient lot size, insufficient lot width, insufficient rear yard, insufficient building transparency; exceeds maximum impervious area at front and rear yard and insufficient parking. Preliminary and Final Site Plan Approval Required. Postponed March 10, 2016**. Fausto Simoes, Esq., Daniel A. Roma, Architect, John McDonough, Planner and Mr. Tareai, Owner 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 6-1. Preliminary and Final Site Plan approved 6-1.**

- 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 comments outlined in the Planner's Report dated March 8, 2016.
- No DJ Equipment or live bands on the rooftop.
- No equipment that will amplify sound on the rooftop.
- Applicant must comply with City and State Noise Regulations.
- No music on rooftop after 10pm during Weekdays and 12am during Weekends.

New Applications:

Application: ZBA-15-74
Premises: 2-16 Avenue C
Ward: East
Applicant: Anderson Vieira for 2 Avenue C, LLC
To Permit: In the I-2 Medium Industrial zone, proposed expansion of an existing truck repair facility with body and fender repair to include an accessory spray booth. Spray booths are not permitted as an accessory use in the I-2 zone. Seeking D[1] Use Variance non-permitted use; Amended Final Site Plan Approval Required. **Joe Cunha, Esq., Jose Gennaro, Architect and Tom Beck, Spray Booth Manufacturer appeared before the Board. There were no objectors present. A motion was made by Hall and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0. Amended 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 comments outlined in the Planner's Report dated April 26, 2016.

Application: ZBA-15-60
Premises: 19-21 Gareis Street
Ward: Central
Applicant: Adekunle Kuku
To Permit: In the Kent/Brenner/Springfield Redevelopment Pan Area, (MUCR Sub District), proposed interior alterations and addition to an existing building to be used as an Warehouse Storage Facility and Office for a packaging supply company on the ground floor and a total of two residential units on the upper floors. Warehouse/Storage of packaging supplies is prohibited in KBS (MUCR) Redevelopment Plan Area. Seeking a D[1] Use Variance; C Variance for insufficient building transparency for ground street level, insufficient rear yard, building transparency for rear façade, non-street facing façade. Preliminary and Final Site Plan Approval Required. **The applicant's attorney requested an adjournment since the applicant was not available. There were eleven objectors present. Application adjourned to June 23, 2016.**

Application: ZBA-16-5
Premises: 13-31 New York Avenue; 132 Walnut Street
Ward: East
Applicant: Yglesias Residential properties, LLC
To Permit: In the MX-1 Mixed Residential and Commercial District, proposed demolition of three story residential building and construction of two new buildings: 1.) five story building containing 60 residential units and 59 parking space garage 2.) four story building containing 6 residential units, common area and gym. This project does not conform to the Zoning Regulations. Building A: Seeking D[6] Variance for exceeding permitted height; C Variances for insufficient side yard setback, insufficient rear yard setback, insufficient parking, exceeding maximum lot coverage, insufficient

impervious front area, and insufficient building fenestration. Preliminary and Final Site Plan Approval Required. Building B: C Variances for exceeding maximum lot coverage, insufficient impervious front area, insufficient building fenestration, insufficient rear yard setback, insufficient lot size. Preliminary and Final Site Plan Approval Required. **Marsha Moore, Esq., Joaquin Bouzas, Architect, and John McDonough, Planner appeared before the Board. There were seven objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Pringle-Khalif 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 Div. of Water ewer Utilities.
- Applicant agreed to comply with the comments outlined in the Planner's Report dated April 25, 2016.
- Applicant agreed to Set-aside 10% of the units as affordable housing units in accordance with HUD's income guidelines.

Application: ZBA-16-16
Premises: 273-283 East Kinney Street
Ward: East
Applicant: MNP Management, LLC
To Permit: In the MX-1 Mixed Residential and Commercial District, proposed demolition of the existing residential structure and new construction of a five story mixed use building consisting of 96 residential units for senior citizens, 55 and older and ground floor retail uses and parking. Project does not meet the requirements outlined the Zoning Regulations. Seeking D^5 Variance for insufficient lot area per dwelling; D^6 Variance for exceeding permitted building height; C Variances for exceeding maximum lot coverage and insufficient parking. Preliminary and Final Site Plan approval required. Miles Hunter, Esq., Joaquin Bouzas, Architect, John McDonough, Planner and Donald Baldyga, Operations Manager appeared before the Board. There were three objectors present. **A motion was made by Commissioner Ruivo and seconded by Commissioner Hall 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 Div. of Water/Sewer Utilities.
- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated April 25, 2016.
- Applicant agreed to reduce the total number of dwelling until to 94 units.

Memorialization

ZBA-16-8 439 Orange Street
ZBA-16-4 54 Kossuth Street
ZBA-16-7 114-118 Monroe Street

Adjournment
Next Regular Meeting: May 12, 2016