

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
MAY 12, 2016
COUNCIL CHAMBER
7PM**

Open Public Meetings Act

Roll Call

Present

Terence Baine
Katiria Cobian
Denise Cook
Barry Dobson
Charles N. Hall (Late)
Julius Montford
Terry Pringle-Khalif
Rose Marie Ruivo
Charles Auffant, Chairman

Also Present

Walford Enniss, Recording Secretary
Maria Hernandez, Acting Board Secretary
Angelo Cifelli, Board Attorney
Mark Barksdale, Director of Planning
Ade Afolabi, Zoning Officer
Gerard Haizel, Planning Consultant

Communications

Budget Report will be discussed during next hearing May 26, 2016

Agenda Items

Pending Applications:

Application: ZBA-15-35
Premises: 839-845 N. 6th Street
Ward: North
Applicant: Classic Express Car Services, LLC
To Permit: In the C2 Community Commercial District, proposed Taxicab Operation Facility and an accessory administrative office; existing Auto Repair to remain. Taxicab Operation Facilities are not permitted in C2 zone. Seeking D¹ Variance; C Variances for insufficient rear yard setback; exceeding maximum lot coverage; exceeding number of permitted driveways; insufficient parking. Preliminary and Final Site Plan approval required. Postponed January 14, 2016, February 11, 2016 and March 24, 2016. **The Applicant's Attorney requested an adjournment to resolve the issue regarding the lease agreement for parking at 11-13 Rose Street. There were no objectors present. Adjourned to July 14, 2016.**

New Applications:

Application: ZBA-15-70
Premises: 371-377 Elm St & 422-430 Lafayette St
Ward: East
Applicant: M&RT, LLC
To Permit: In the C2 Community Commercial zone, proposed creation of a driveway and 25 additional surface parking spaces for funeral home located at 422-430 Lafayette Street. The existing parking garage and surface parking on lot 55 is to remain. Expansion of an accessory parking lot is prohibited under the Zoning Regulations. Seeking a D¹ Variance for expansion of an accessory parking lot. Waivers for two driveways on Elm Street; No landscape buffer and insufficient parking stall size. Preliminary and Final Site Plan Approval Required. **Craig W. Alexander, Esq. and Brian S. Grant, Engineer appeared before the Board. There were no objectors present. A Motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to approve this application with conditions. Motion carried 5-2.**

- Applicant agreed to comply with the conditions outlined in the Planner's Staff Report dated May 9, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Division of Water/Sewer Utilities.
- Applicant agreed to maintain gravel and signs. No pavement. Final design to be approved by planning staff.

Application: ZBA-16-18
Premises: 17-19 Crawford Street & 482-488 Washington Street

Ward: Central
Applicant: Great Oaks Charter School
To Permit: In the Lincoln Park Redevelopment Plan Area, Residential Med-High Mixed Sub-district, proposed conversion of existing multi-function space into a gym, auditorium, and multi-purpose space for Great Oaks Charter School. Expansion of a non-permitted use is prohibited. Seeking D Variance for expansion of a non-permitted use. Amended Final Site Plan approval required. **Joseph Behot, Esq., Richard A., Engineer; Jason Chmura, Architect; Benjamin Carson, Director of Finance for Great Oak School** appeared before the Board. There were no objectors present. A Motion was made by Commissioner Baine and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to comply with the conditions outlined in the Planner's Staff Report dated May 9, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Division of Water/Sewer Utilities.
- Applicant agreed to add signage for "Right Turn Only" and "Proceed with Caution".

Application: ZBA-16-19
Premises: 258-306 Martin Luther King Jr. Blvd.
Ward: Central
Applicant: 306 MLK Blvd LLC
To Permit: In the Broad Street Station Redevelopment Area, Sub-district D and James St. Commons Historic District, proposed subdivision of existing lot formerly used as a hospital and ancillary parking into two (2) new lots. New lot area for Tract 1 will be 7.9321 acres and Tract 2 will be 29,206 square feet. Existing buildings to remain. The proposed project does not meet the requirements for a subdivision as required under the Zoning Regulations. Proposed subdivision has made the use more intensive. Seeking a D² Variance for a subdivision of legal non-conforming structures. Preliminary and Final Subdivision approval required. **Marsha Moore, Esq. and Scott Bleeker, Surveyor,** 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 7-0.

- Applicant agreed to comply with the conditions outlined in the Planner's Staff Report dated May 10, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Division of Water/Sewer Utilities.
- Applicant agreed to add signage for "Right Turn Only" and "Proceed with Caution".

Memorialization

ZBA-16-3	74 Warwick Street
ZBA-16-2	107 Hawkins Street
ZBA-15-74	2-16 Avenue C
ZBA-16-16	273-283 E. Kinney Street
ZBA-16-5	13-21 NY Avenue

Adjournment

Next Regular Meeting: May 26, 2016