

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
MAY 26, 2016  
COUNCIL CHAMBER  
7PM**

Open Public Meetings Act

Roll Call

**Present**

Terence Baine

Barry Dobson

Charles N. Hall

Julius Montford

Terry Pringle-Khalif

Rose Marie Ruivo

Charles Auffant, Chairman

**Also Present**

Walford Enniss, Recording Secretary

N'dela, Acting Board Secretary

Daniel Bever, Acting Board Attorney

Mark Barksdale, Director of Planning

Ade Afolabi, Zoning Officer

Chris Dochney, Planning Consultant

**Absent**

Katiria Cobian

Denise Cook

Communications

None

Agenda Items

### New Applications:

Application: ZBA-16-11  
Premises: 278 East Kinney Street  
Ward: East  
Applicant: Nasto's Realty LLC  
To Permit: In the R3 Third Residential zone, proposed construction of new four (4) car garage to be used as accessory use for Nasto's Ice Cream Shop located at 236 Jefferson Street. Ancillary parking garages are prohibited in residential zones for commercial uses. Seeking D<sup>1</sup> Variance; C Variances for insufficient rear yard setback; exceeding maximum lot coverage. Minor Site Plan approval required. **The applicant requested an adjournment because their Planner was not available. There were eight objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Khalif to adjourn this application to July 14, 2016. Motion carried 7-0.**

Application: ZBA-16-6  
Premises: 424-426 Mulberry Street & 63-73 Tichenor Street  
Ward: East  
Applicant: Res Natura, LLC  
To Permit: In the MX-1 Mixed Residential/Commercial District, proposed interior alterations to an existing warehouse to be utilized for a craft micro distillery with accessory bar, liquor sales and tastings. Manufacturing is prohibited in MX-1 residential/commercial zone. Seeking a D<sup>1</sup> Use Variance; Seeking C Variances for insufficient landscaping, insufficient lot width, insufficient front, rear and side yard setback, exceeding number of permitted signs. Preliminary and Final Site Plan Approval Required. **The applicant had a deficient public notice and failed to appear. Therefore, the applicant must re-notice for a future public hearing. There were no objectors present.**

Application: ZBA-16-15  
Premises: 121-143 Roanoke Ave  
Ward: East  
Applicant: PSE&G  
To Permit: In the I2 Second Industrial Zone, proposed upgrade of an existing public utility switching station consisting of the construction of a new 2,898 sq. ft. control building and installation of one new transformer, two new station power and light transformers, lighting mast, bus supports and one gas insulation switchgear (GIS). Security lighting will be installed along the station fence to illuminate the equipment yard. The equipment will be elevated 1' above the FEMA 100 Year Flood elevation. Expansion/modification of a legal nonconforming switching station is prohibited in I-2 zone. Seeking D<sup>2</sup> Variance; C Variance for insufficient building transparency. Preliminary and Final Site Plan Approval required. **Commissioner Ruivo requested an adjournment to allow the applicant time to conduct a community meeting. There were six objectors present. A motion was made by**

**Commissioner Ruivo and seconded by Commissioner Baine to adjourn this application this application to a Special Meeting on June 15, 2016 which will be held in the Council Conference Room, 3<sup>rd</sup> Floor. Motion carried 6-0.**

Application: ZBA-16-14  
Premises: 361-375 Mulberry Street  
Ward: East  
Applicant: PSE&G  
To Permit: In the Lincoln Park Redevelopment Plan Area, proposed upgrade of an existing public utility switching station consisting of the construction of a new 3,480 sq ft Control/GIS Building, installation of one new transformer, two new station power and light transformers, bus supports, lighting masts and one gas insulated switchgear (GIS). Security lighting will be installed along the station property fence line and will be supported by spread footing and slab foundations. The equipment will be elevated 1' above the FEMA 100 Year Flood elevation. Expansion/modification of a legal nonconforming switching station is prohibited. Seeking D<sup>2</sup> Variance; C Variance for insufficient building transparency. Preliminary and Final Site Plan Approval required. **Commissioner Ruivo requested an adjournment to allow the applicant time to conduct a community meeting. There were six objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to adjourn this application this application to a Special Meeting on June 15, 2016 which will be held in the Council Conference Room, 3<sup>rd</sup> Floor. Motion carried 6-0.**

#### **Memorialization**

**ZBA-15-70 371-377 Elm Street  
ZBA-16-18 17-19 Crawford Street  
ZBA-16-19 258-306 MLK Blvd**

#### **Adjournment**

#### **Next Regular Meeting**

**June 9, 2016**