

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

Open Public Meetings Act

Roll Call

Present

Denice Cook

Barry Dobson

Charles N. Hall

Terry Pringle-Khalif

Rose Marie Ruivo

Terence Baine, Acting Chairman

Also Present

Ade Afolabi, Zoning Officer

Angelo Cifelli, Board Attorney

Maria Hernandez, Recording Secretary

Walford Enniss, Acting Board Secretary

Gerard Haizel, Principal Planner

Nana Jumah, Student Intern

Absent

Charles Auffant

Katiria Cobian

Julius Montford

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 Dispatch Facility and an accessory administrative office; existing Auto Repair to remain. Taxicab Operation Facilities are not permitted in C2 zone. **Seeking D¹ Use 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, March 24, 2016 and May 12, 2016. Parking lot lease required. Fausto Simoes, Esq., Martha Brazoban, Architect, John McDonough, Principal Planner, Veronica Solana, Applicant. Two objectors were present. A motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to approve this application with conditions. Motion carried 6-0.**

- Applicant agreed to reapply for a variance after four year parking lease expires.
- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated March 22, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

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 D1 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. Postponed May 26, 2016 due to a deficient public notice. Robert DeGroot, Esq., Gil Spaier, Principal Planner, Matthew McCracken, Architect. One objector was present. A motion was made by Commissioner Ruivo and seconded by Commissioner Hall to approve this application with conditions. Motion carried 6-0.**

- Applicant agreed to comply with the conditions of approval outlined in the Planner's Staff Report dated May 23, 2016.

- **Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.**

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 a new ancillary truck parking garage for four (4) trucks for the existing Nasto's Ice Cream Shop located at 236 Jefferson Street. Ancillary parking garages are prohibited in residential zones for commercial uses. **Seeking D¹ Use Variance; C Variances for insufficient rear yard setback; exceeding maximum lot coverage. Minor Site Plan approval required. Postponed May 26, 2016. Applicant requested full quorum. No new notice required. Time waived. 8 objectors were present. Adjourned to August 11, 2016.**

New Applications:

Application: ZBA-16-29
 Premises: 62 Isabella Avenue
 Ward: South
 Applicant: Issie, LLC
 To Permit: In the R2 Second Residential zone, proposed legalization of an existing non-conforming three family dwelling. Three families are not permitted in R2 zone. **Seeking a D¹ Use Variance; C Variances for insufficient lot size; insufficient lot width; insufficient side yard setbacks, insufficient square footage per dwelling unit, insufficient wall transparency and insufficient parking. Preliminary and Final Site Plan approval required. Applicant requested full quorum. No new notice required. Time waived. No objectors were present. Adjourned to August 11, 2016.**

Application: ZBA-16-37
 Premises: 159-189 N. 13th Street
 Ward: West
 Applicant: Mayor Transportation LLC
 To Permit: In the I-1 Light Industrial zone and R3 Third Residential zone, proposed new construction one story building to be used as a school bus operation facility serving as parking and maintenance for school buses. Commercial bus operation facility is not permitted in R3 district. This Project does not meet the requirements of the Zoning Regulations. **Seeking a D¹ Use Variance; C Variances for insufficient front yard setback on Park Avenue, exceeds maximum fence height, insufficient front facade transparency, excessive lot coverage, excessive driveway width, insufficient landscaping and insufficient screening of parking**

lot. Buffer not provided for abutting residential use. Preliminary and Final Site Plan approval is required. Fausto Simoes, Esq., Izaemehi, Engineer, John McDonough, Planner, Mona Solivan, Applicant. One objector present. A motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to approve this application with conditions. Motion carried 6-0.

- Applicant agreed to comply with the conditions of approval outlined in the Planner's Staff Report dated July 11, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Application: ZBA-16-39
Premises: 94-120 Frelinghuysen Avenue
Ward: South
Applicant: 98 Frelinghuysen Real Estate Urban Renewal, LLC
To Permit: In the I-1 Light Industrial zone, proposed new construction of hotel consisting of 129 guest rooms and four story addition to existing 8 story paid public parking facility consisting of approximately 62,853 sq. ft.. Hotel establishments are prohibited in the Light Industrial (I-1) zone. **Seeking a D¹ Use Variance; C-Variations for exceeding maximum building height, excessive side yard setback, exceeding maximum lot coverage, insufficient side facade, and insufficient front facade transparency, more than 50 percent of primary lot frontage is used for parking, primary entrance is not at street facing facade. Preliminary and Final Site Plan approval required. Elnardo J. Webster, Esq., William Hoy, Construction Manager, John McDonough, Planner, Jim Kwon, Owner. No objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Cook to approve this application. Motion carried 6-0.**

Adjournment

Memorialization

ZBA-15-71	274-282 W. Runyon Street
ZBA-15-7	1037-1047 Bergen Street
7-14-B	1041, 1051 Bergen Street
ZBA-16-20	75 Martin Luther King Jr. Boulevard
ZBA-16-30	609-633 Broad Street
ZBA-16-15	121-143 Roanoke Ave
ZBA-16-14	361-375 Mulberry Street

Next Special Meeting Date: July 26, 2016

Next Regular Meeting Date: August 11, 2016