

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
SPECIAL HEARING
JULY 26, 2016
COUNCIL CHAMBERS
7PM**

Open Public Meetings Act

Roll Call

Present

Terence Baine

Katiria Cobian

Barry Dobson

Terry Pringle-Khalif

Rose Marie Ruivo

Charles Auffant, Chairman

Also Present

Mark Barksdale, Director of Planning

Ade Afolabi, Zoning Officer

Angelo Cifelli, Board Attorney

Walford Enniss, Recording Secretary

N'dela Costley, Acting Board Secretary

Gerard Haizel, Planning Consultant

Nana Jumah, Student Intern

Absent

Denice Cook

Charles N. Hall

Julius Montford

Agenda Items

New Applications:

Application: ZBA-16-23
Premises: 43-45 Marne Street
Ward: East
Applicant: A&S Marne Street, LLC
To Permit: In the R3, Third Residential District, proposed minor subdivision into two 2,500 square feet lots and new construction of a new two family dwelling on lot 27.02. The existing two-family dwelling on lot 27.01 to remain. Project does not conform to the Bulk Requirements. **Seeking C Variances for insufficient side yard setback on lot 27.01, rear yard setback on lot 27.02, exceeding maximum lot coverage on lot 27.01, exceeding impervious front and rear yard coverage on lot 27.01, exceeding impervious front yard coverage on lot 27.02, insufficient non-street facing façade transparency on lot 27.02 and insufficient parking on lot 27.01. Minor Subdivision approval required. Fausto Simoes, Esq., Jose Gennaro, Architect, Mr. Meliero, Applicant appeared before the board. Three (3) objectors were present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to deny this application. Motion carried 6-0.**

Application: ZBA-16-40
Premises: 1037-1047 Bergen Street and 1057-1059 Bergen Street
Ward: South
Applicant: Bergen Street Redevelopment LLC
To Permit: In the Bergen South Redevelopment Plan Area, proposed reinstatement of 2014 Board of Adjustment approval and void 2015 Amended Site Plan Approval for the new construction of two mixed-use buildings. Building A located at 1037-1047 Bergen Street consists of a five story building with ground floor commercial space and thirty-two (32) residential units on the upper floors and fourteen (14) parking spaces. Building B located at 1057-1059 Bergen Street consists of a four story building with a community center on the ground floor and ten (10) residential units. **Board of Adjustment approved variances including D¹ Use Variance; C Variances for insufficient front yard setback, maximum yard impervious area, and density. Preliminary and Final Site Plan approved. Jennifer C. Perez, Esq., Mark Cifelli, Civil Engineer, Michael J. Castellano, Planner, F. Cook, Architect and Gerard Haizel, City of Newark Planning Consultant appeared before the board. One (1) objector was present. A motion was made by Commissioner Baine and seconded by Commissioner Cobian to approve this application. Motion carried 6-0.**

Application: ZBA-16-1
Premises: 472-482 Bloomfield Avenue
Ward: North
Applicant: Jersey Fuel LLC
To Permit: In the C2, Community Commercial District, proposed new construction of two story building with a convenience store on first floor and one office on the second floor. The existing gas station to remain. Convenience store as accessory use is not permitted in the C2 zone. Expansion of a non-permitted use. **Seeking D Variances; C Variances for excessive front yard setback; exceeding maximum lot coverage; insufficient rear yard setback; exceeding maximum impervious rear yard and insufficient parking. Preliminary and Final Site Plan approval required. Due to a deficient notice a motion was made by Commissioner Auffant and seconded by Commissioner Pringle-Khalif to adjourn this application to October 13, 2016. Time limit waived. Applicant must re-notice the defective address only.**

Application: ZBA-16-21
Premises: 464-468 14th Avenue
Ward: West
Applicant: NJ Conference Association of 7th Day Adventists
To Permit: In the R2 Second Residential zone, proposed addition and interior alterations to an existing Church. Project fails to meet Conditional Use requirements for location, buffers and fencing. **Seeking a D³ Variance for failing to meet conditional use requirements; C Variance for insufficient lot size, insufficient lot width, insufficient front yard setback, insufficient side yard and rear yard setbacks, exceeding maximum lot coverage, insufficient transparency on the front and rear facades and insufficient off-street parking. Preliminary and Final Site Plan approval required. Fausto Simoes, Esq., Joaquin Bouzas, Architect, Ismael Nunez, Pastor and Applicant appeared before the board. Twenty-six (26) supporters were present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Baine to approve this application. Motion carried 6-0.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated July 21, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

Application: ZBA-16-24
Premises: 937-953 Broad Street
Ward: Central
Applicant: PF Hallmark House LLC
To Permit: In the Living Downtown Redevelopment Plan Area; Major subdivision into three lots. Proposed Lot A Existing surface parking lot, paid & private (186 spaces) with improvements; Lot B, existing 22 story apartment building with 5,494 addition for

additional first floor retail space on the ground floor, 429 residential units to remain and 33 parking spaces; AND Lot C, new 12 story mixed use building with ground floor retail 6,957 square feet and 176 units and 22 parking spaces. Modification of a non-permitted use. Surface parking lot is prohibited in the Living Downtown Redevelopment Plan. **Seeking a D Variance for modification of a non-permitted use; C Variance for insufficient floor-to-floor height, insufficient on-site parking for Lot B; Insufficient on-site parking for Lot C; insufficient on-site parking Lot A; Less than required transparency; insufficient floor to floor height. Preliminary and Final Site Plan approval required. Major Subdivision approval required. Michael Oliveira, Esq., Darrell Alvarez, Architect, Gregory Woodruff, Principal Planner appeared before the board. One objector was present. A motion was made by Commissioner Cobian and seconded by Commissioner Baine to approve this application. Motion carried 6-0.**

- Applicant agreed to install security cameras in parking lot.
- Applicant agreed to provide 30 parking spaces at a 20% discount to tenants in paid public parking lot.
- Applicant agreed to accommodate tenants during construction with parking within paid parking lot.
- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated July 21, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

Application: ZBA-16-38

Premises: 47-63 Green Street

Ward: East

Applicant: Chigozie Onyema/ Newark Parking Authority

To Permit: In the Living Downtown Redevelopment Plan Area, proposed new construction of a municipal court/office, parking authority head quarter, 649 space parking garage & ground floor retail. Public Parking is prohibited under the current redevelopment plan. Offices are prohibited in building lobby. **Seeking a D¹ Use Variance; C Variances for insufficient ground floor height, lack of stairway bulkhead on the street, insufficient active ground floor level uses, and to permit an office use on Mulberry Street ground-floor frontage. Preliminary and Final Site Plan approval required. Dennis Liloia, Esq. Todd Helmer, Architect, Brian Grant, Principal Engineer, Duane Nelson, Traffic Safety Engineer, Chigozie Onyema, Director and Applicant. There was one person in favor present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Baine to approve this application w conditions. Motion carried 6-0.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated July 8, 2016.

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

Adjournment

Next Regular Meeting Date: August 11, 2016