

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
AUGUST 11, 2016
COUNCIL CHAMBERS
7PM**

Open Public Meetings Act

Roll Call

Present

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

Also Present

Mark Barksdale, Director of Planning
Ade Afolabi, Zoning Officer
Daniel R. Bevere, Board Attorney
Walford Ennis, Recording Secretary
Nana Jumah, Acting Board Secretary
Gerard Haizel, Planning Consultant

Agenda Items

Pending Applications:

Application: ZBA-15-66
Premises: 92-94 Washington Street
Ward: Central
Applicant: Edison Properties, LLC
To Permit: In the Living Downtown Redevelopment Plan Area and in the James Street Historic District, proposed expansion of a non-conforming surface parking lot. The Redevelopment Plan does not permit surface parking lots. **Seeking a D² Variance for expansion of a non-conforming use. Preliminary and Final Site plan approval required. Steven Mairella, Esq., Leonard D. Savino, Civil Engineer,**

Gregory Woodruff, Engineer, and Shaun Kirby, President of Operations, Renee Steinhagen for Plan Newark appeared before the board. A motion was made by Commissioner Ruivo and seconded by Commissioner Cook to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to comply with the comments outlined in the Planner's Staff Reports dated August 5, 2016, April 11, 2016 and February 23, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

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 D1 Use Variance; C Variance for insufficient rear yard setback, insufficient building transparency for ground level, insufficient building transparency for rear façade, insufficient non-street facing façade. Preliminary and Final Site Plan Approval Required. Fausto Simoes, Esq., Daniel A. Roma, Architect, David Karlebach, Planner, and Adekunle Kuku, the applicant 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 comments outlined in the Planner's Staff Report dated April 25, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

Application: ZBA-16-10
Premises: 113 ½ Summer Avenue
Ward: Central
Applicant: Ana De Lasso
To Permit: In the R3 Third Residential District, proposed interior alterations and addition to an existing one family dwelling to be converted into a two family dwelling. Project does not conform to the bulk requirements. **Seeking C Variances for excessive density per dwelling unit, insufficient lot size, insufficient lot width, insufficient side yard, exceeding impervious lot coverage and insufficient number of off-street parking spaces. Daniel A. Roma, Architect, David**

Karlebach, Planner, Ana De Lasso, the applicant, and translator for the applicant, appeared before the board. There were no objectors 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 not convert basement into a dwelling.
- Applicant agreed to comply with the comments outlined in the Planner's Staff Report June 20, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

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, exceeding maximum lot coverage. Minor Site Plan approval required. Postponed May 26, 2016. Fausto Simoes, Esq., Frank D. Mileto, Architect, Brian Itindola, Traffic and Noise Engineer, Frank Nasto, the applicant, appeared before the board. There were 10 objectors present and 19 supporters of this project. A motion was made by Commissioner Ruivo and seconded by Commissioner Cobian to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to a three (3) year term limit after which the applicant will re-apply to the Board.
- Applicant agreed to never store gas, oil, or any automotive parts.
- Applicant agreed to comply with the comments outlined in the Planner's Staff Report May 24, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

Application: ZBA-16-29
Premises: 62 Isabella Avenue
Ward: West
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 front and rear façade transparency and insufficient off-street parking. Preliminary and Final Site Plan approval required. Steven S. Polinsky, Esq., Daniel A. Roma, Architect, David Karlebach, Planner, Josh**

Porter, the applicant, 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 6-0.

- Applicant agreed to change window leading to fire escape to a door.
- Applicant agreed to never convert basement into a residence.
- Applicant agreed to comply with the comments outlined in the Planner's Staff Report July 7, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Memorialization

ZBA-15-35	839-845 N. 6 th Street
ZBA-16-6	424-426 Mulberry Street & 63-73 Tichenor Street
ZBA-16-37	159-189 N. 13th Street
ZBA-16-39	94-120 Frelinghuysen Avenue
ZBA-16-23	43-45 Marne Street
ZBA-16-40	1037-1047 Bergen Street and 1057-1059 Bergen Street
ZBA-16-21	464-468 14th Avenue
ZBA-16-24	937-953 Broad Street
ZBA-16-38	47-63 Green Street

Adjournment