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Newark Zoning Board of Adjustment

Regular Meeting

Documenter name: Malak Kassem

Agency: Zoning Board of Adjustment

Date: Aug. 1, 2024

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Notes:

Meeting began almost 15 minutes later than scheduled. It was noted that the agenda for meetings are located in the basement of [Newark City Hall](#) and online.

After relaying instructions, they took attendance of all present commissioners.

The purpose of these meetings by the [Zoning Board of Adjustments](#) is to hear appeals of the decisions that the board makes.

- [**Application ZBA-24-04:**](#)

- Opened nominations for the Chair of the Supplemental Board.
- [Jackie Coombs Hollis](#) was nominated as chair and was unanimously voted as chair.
- Nominations for vice chair opened.
- Wilson Pichardo nominated [Quamids Childs](#) and was unanimously voted as vice chair.

[Jennifer Carrillo-Perez](#) and team were representing the application.

Client wants to add three additional residential units to an already upstanding building with office space.

- Perez brought in her first witness for testimony, Jorge Fernandes, who is an architect, "I have a bachelors in architecture from NJIT and my license in architecture is current and in effect."
- Fernandes prepared the overview for the proposed project.
- Fernandes: "Currently, this is a 4,112 sq ft site, currently occupied by a one story masonry building and is currently being used by the current owner for his office for his construction company. We are proposing to build two more stories on top of that [existing first story]."
- Below is confirmed by Fernandes:
- The lot sizes are variants.
- The curb got cut to 12 ft.
- The first floor is the parking area and entrance.
- The second floor will be an office for the construction company, where 2 staff members work full-time.
- The remainder will be used for the owner which comes in occasionally.
- The rear will be a 2 bedroom apartment with an outdoor patio.
- The building will be set back 12ft 5' and 15ft 5'.
- There will also be an additional 2 apartments, with the larger being in the rear.
- Parking is enough for 4 spots. Currently there are 2 spots but the Dept. of Engineering gave the OK for the additional 2.
- All of the units will have a mechanical unit and laundry.
- Fernandes continued to present the blueprints for attendees to view via screen share.
- There will be enough space to plant a tree in front of the site.

* Fernandes is the only person giving testimony about architecture and engineering.

*Public was given the opportunity to question Fernandes.

Next, Charles Traficante begins his testimony.

- He is a professional engineer with an active license with the state board.
- He brings up the issue of a gutter from the neighboring building that is interfering with the construction (encroachment).
- Mario Sobreiro wants more detail about the gutter situation.
- Carrillo-Perez reiterates that they must work with the neighbor to overcome the encroachment.

- “The gutter is essentially over our roof”, says Fernandes. “And once our building comes up, the gutter can no longer be there, so we must work with our neighbor to get a yankee gutter installed.”
- Coombs- Hollis wanted more detail about the parking spaces, “Will you have markings for pedestrian access to those vehicles?”

*Members of the public were given the opportunity to raise concerns.

- Elizabeth Salerno, a nearby homeowner raised her hand. She has been a resident for almost 10 years and wonders if commercial vehicles will no longer be parking within the site. She is very concerned about the parking in the neighborhood.
- Coombs- Hollis interrupted her and reminded her that only concerns for the architect are requested at this time. She narrowed down her concern to whether commercial vehicles will remain parked within the site after the construction.
- Paula Vega, a resident for over 25 years, raised the same question as Salerno: Will commercial vehicles continue to take up parking spaces?
- John McDonough is the project planner and was brought up to give testimony as Carrillo-Perez’s witness..
- His license is in good standing at state and national level. He went to Rutgers University. This is his first time under the supplemental board.
- “I know the neighborhood is concerned with parking, but from a zoning standpoint,” there isn’t a problem, said McDonough.
- Explained the zoning laws in correlation with site size. The reason why this meeting was initiated is because the applicant doesn’t comply with all the requirements yet, explained McDonough, “Working on a footprint that’s already there”.
- Believes that this project will support general welfare.
- “This is going to be an attractive building and will modernize what is there,” said McDonough.
- McDonough believes that positives outweigh the negatives.
- McDonough states that similar projects are already taking place in the neighborhood, therefore it should be okay that this project gets approved too.
- This project will allow for more integration with the neighborhood, says McDonough.
- Board was allowed to ask McDonough questions.
- Nana A. Jumah raised the question that there was no street address present in his visual aid, where he tried to show that the neighborhood at large is doing similar projects as the one proposed.
- Predominantly residential, but not entirely, according to McDonough.

- Commissioners on the board had questions about the name of the building
- The owner of the building passed during the Covid-19 pandemic and it is possible that the family name will remain.
- Perez confirmed that commercial vehicles will eventually leave but the construction company will continue to operate in the building, as it has been for the past 35 years.
- Salerno got irritated that a commissioner was waving her off when she tried to make comments, apologizing that she didn't have the skills like professionals in the meeting.
- Salerno asked if there will be any limits for the residence in terms of parking for the site.
- McDonough stated that there will be no limits.
- Coombs- Hollis opened up the floor for public statement.
- Salerno made a public statement, "I want it to be considered that the neighborhood struggles with parking" and that her day-to-day life will be affected if she cannot find parking near her home. She states that the apartments that will be built are bigger than the average Newark apartment, which will bring in more people, which will bring in more cars.
- Paula Vega echoed Salerno's concerns about parking.
- Victor Ribeiro also wanted to state that he supports the project as it supports a small business.
- The board went into discussion.
- Marica Heard brought up a concern about trees. Concerned about flooding as well and understands that the building is already there, and that the applicant just wants to build up. Heard wants an additional tree planted on top of the one that architect Ferdandes mentioned.
- The applicant agreed to remove commercial vehicles. Coombs-Hollis urges the board to approve the project.
- Application was approved after the full vote of the board.

- **Application ZBA-23-68**

- Michael Higgins represented this application
- Brought in Steve Kawalek to testify as the architect.
- Licensed in NJ, has a BA and MA from Newark University, went to NJIT and has been a part of his family practice since 2001, that his father started in 1976. He is also licensed in three other states. Has been licensed in NJ since 2005.
- His office is based in Bayonne.

- Looking to convert a one family structure into a two family structure.
- Kawalek says that the property is almost compliant with requirements.
- He thinks that the interior is in desperate need of modernization, which is why the applicant is seeking to configure the space. There is a “fair amount of interior configuration” needed to get what the applicant wants.
- Higgins states that this is mostly an interior project.
- Nana Jumah stated that the submission didn’t match what is on the screen.
- Jumah asked if any changes to the elevations were made.
- Architect didn’t seem to remember and Higgins reminded him.
- Marcia Heard is concerned about laundry units
- Kristin Russell is the professional planner, who has been practicing since 2002 and has been licensed since 2005.
- There is one parking unit and the applicant is seeking 2 parking spaces.
- “The master plan has a goal of improving the quality of the building stock”, said Russell.
- Wants to allow on-street parking.
- Higgins says that there isn’t capacity to plant a tree on the property but is happy to work with the board to make that possible.
- If tree planting is not going to be possible on the property, they are willing to provide funding in another location.
- Application approved.

Meeting adjourned.

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