

REGULAR MEETING OF THE EAST NEWARK PLANNING BOARD
COUNCIL CHAMBERS
BOROUGH HALL
34 SHERMAN AVENUE
EAST NEWARK, NEW JERSEY 07029
REGULAR MEETING
AUGUST 1, 2019
MINUTES

PUBLIC STATEMENT

ADEQUATE NOTICE OF THIS MEETING BEING HELD ON THIS 1ST DAY OF AUGUST, 2019 HAS BEEN PROVIDED BY THIS BOARD TO ALL APPLICABLE PARTIES, AGENCIES AND AUTHORITIES. THIS MEETING IS BEING HELD AND CONDUCTED IN ACCORDANCE WITH P.L. 1975, CHAPTER 231 OF THE LAWS OF THE STATE OF NEW JERSEY.

AGENDA

1. APPROVAL OF MINUTES
2. HEARING:

401 JOHN STREET ALSO KNOWN AS 158-160 CENTRAL AVENUE
BLOCK 8, LOT 51
EAST NEWARK, NEW JERSEY 07029
OWNER(S): LICINIO SILVA AND ROSA SILVA

SECRETARY CALLED MEETING TO ORDER AT 6:02 P.M.

THE PLEDGE OF ALLEGIANCE WAS RECITED.

THE SECRETARY CALLED THE ROLL CALL.

MEMBERS	PRESENT	ABSENT
MAYOR JOSEPH SMITH	X	
COUNCILMEMBER ROSE M. EVARISTO	X	
DAVID WOZNIAK		X
JOSE HERNANDES	X	
ALZIRA CAETANO	X	
CARLA FERNANDES	X	
CHRISTOPHER REIS	X	
ELIZABETH RONAN	X AT 6:30PM	

There being SEVEN (7) members of the East Newark Planning Board Present, a QUORUM was declared.

ALSO PRESENT: GARY CUCCHIARA, ESQUIRE, BOARD COUNSEL; ANDREW FRENCH, PE, BOARD ENGINEER; AND BRIGITE I. GONCALVES, SECRETARY TO THE PLANNING/ZONING BOARD.

MOTION TO ACCEPT AGENDA FOR THE REGULAR MEETING OF AUGUST 1, 2019

MOTION BY BOARD MEMBER EVARISTO
SECONDED BY BOARD MEMBER HERNANDEZ

Smith-Aye; Evaristo-Aye; Wozniak-Absent; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Absent
MOTION CARRIED

RESOLUTION: APPROVAL OF MINUTES

WHEREAS, copies of the minutes of the following meetings have been provided to the members and reviewed by the members of the East Newark Planning Board:

Regular Meeting May 2, 2019

NOW THEREFORE, BE IT RESOLVED, that all of the aforementioned minutes of said meeting be and are hereby approved.

MOTION BY BOARD MEMBER FERNANDES
SECONDED BY BOARD MEMBER REIS

Smith-Aye; Evaristo-Aye; Wozniak-Absent; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Absent
MOTION CARRIED

REQUEST TO MOTION FOR RECESS FOR APPLICANT'S PROFESSIONALS TO APPEAR BEFORE BOARD. APPLICANT'S NOTICE TO ADJACENT PROPERTY OWNERS INDICATED PUBLIC HEARING WOULD BE HELD AT 6:30PM

MOTION TO RECESS AT 6:04PM

MOTION BY BOARD MEMBER EVARISTO
SECONDED BY BOARD MEMBER HERNANDEZ

Smith-Aye; Evaristo-Aye; Wozniak-Absent; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Absent
MOTION CARRIED

MOTION TO RECONVENE AT 6:30PM AND OPEN MEETING TO HEARING FOR 401 JOHN STREET ALSO KNOWN AS 158-160 CENTRAL AVENUE BLOCK 8, LOT 51

MOTION BY BOARD MEMBER FERNANDES
SECONDED BY BOARD MEMBER EVARISTO

Smith-Aye; Evaristo-Aye; Wozniak-Absent; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Aye
MOTION CARRIED

Applicant's Counsel: Gary Bennett, Esq. Koch Koch Bennett & Buono

6:33PM Gary Cucchiara, Board Counsel addressing preliminary matters:

- 1.) Governing Body members cannot vote on Zoning Application
- 2.) One Board Member resides within 200' of subject property
- 3.) Full membership is not present

MOTION TO RECESS AT 6:35PM TO AUGUST 7, 2019 AT 6:00PM

MOTION BY BOARD MEMBER EVARISTO
SECONDED BY BOARD MEMBER HERNANDEZ

Smith-Aye; Evaristo-Aye; Wozniak-Absent; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Aye
MOTION CARRIED

MOTION TO RECONVENE ON AUGUST 7, 2019 AT 6:00PM AND OPEN MEETING TO HEARING FOR 401 JOHN STREET ALSO KNOWN AS 158-160 CENTRAL AVENUE BLOCK 8, LOT 51

MOTION BY BOARD MEMBER FERNANDES
SECONDED BY BOARD MEMBER REIS

Smith-Aye; Evaristo-Aye; Wozniak-Aye; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Aye
MOTION CARRIED

Gary Bennett, Esquire Koch, Koch, Bennett and Buono Counsel for
Applicant

6:08PM Gary Cucchiara, Esquire, Board Counsel questions Board
Member Hernandez regarding any possible interest in the subject
property that would not allow him to be impartial. Being that there is
no personal interest in the property and the Board Member confirms that
he can be impartial, Applicant's Counsel agrees to accept Member's
presence for the Hearing.

Swearing in and Testimony of Martha Brazoban, Architect
Artek Studio, 877 Broad Street, Newark, NJ 07102

Swearing in and Testimony of William Stimmel, Planner
Post Office Box 280, Rutherford, New Jersey

6:37PM Swearing in and Testimony of Property Owner Licinio Silva

6:57PM Board Discussion

MOTION TO OPEN MEETING TO PUBLIC

MOTION BY BOARDMEMBER EVARISTO
MOTION SECONDED BY BOARDMEMBER WOZNIAK
Smith-Aye; Evaristo-Aye; Wozniak-Aye; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Aye
MOTION CARRIED

No member of the public wishes to come before the Board or Applicant

MOTION TO CLOSE PUBLIC PORTION

MOTION BY BOARDMEMBER EVARISTO
MOTION SECONDED BY BOARDMEMBER REIS
Smith-Aye; Evaristo-Aye; Wozniak-Aye; Hernandez-Aye; Caetano-Aye;
Fernandes-Aye; Reis-Aye; Ronan-Aye
MOTION CARRIED

MOTION TO APPROVE APPLICATION

MOTION BY BOARDMEMBER WOZNIAK
MOTION SECONDED BY

MOTION TO DENY APPLICATION

MOTION BY BOARDMEMBER REIS
MOTION SECONDED BY BOARDMEMBER FERNANDES
Smith-NO VOTE; Evaristo-NO VOTE; Wozniak-NAY; Hernandez-Aye; Caetano-
Aye; Fernandes-Aye; Reis-Aye; Ronan-Aye
MOTION CARRIED AND APPLICATION IS DENIED

MOTION TO ADJOURN MEETING

MOTION BY BOARDMEMBER FERNANDES

MOTION SECONDED BY BOARDMEMBER REIS

Smith-Aye; Evaristo-Aye; Wozniak-Aye; Hernandez-Aye; Caetano-Aye;

Fernandes-Aye; Reis-Aye; Ronan-Aye

MOTION CARRIED

MEETING WAS ADJOURNED AT 7:06 P.M.

EXHIBITS PROVIDED FOR APPLICATION:

B1: APPLICATION

B2: REPORT FROM ROBERT COTTER, FAICP, PP

A1: PLANS SUBMITTED BY APPLICANT DATED (REVISED 6/25/2019)

RESPECTFULLY SUBMITTED, BRIGITE I. GONCALVES, SECRETARY TO THE EAST
NEWARK PLANNING/ZONING BOARD