**GENA Zoning Committee Meeting Minutes**

Meeting Co-Coordinated with Girard Estate Area Residents

**Date:** Tuesday, October 18, 2016 6:30 PM

**Hearing for:** 2001 Oregon Avenue, Asian Palace Restaurant , Application 715223

For the erection of a roof deck at the second story level of existing semi-detached structure

(see Docs per folder)

**Applicant:** Estelle Nguyen, Asian Palace Restaurant, Vincent Mancini, Landmark Architectural Design

**In Attendance:** Andre Lenertz, (Co-Chair)Paul Rossi (Co-Chair), Giuliano Apadula ,Dan Bartoli, John Christinzio, Mark Leuzzi, Dana Mitchell, Allan Moore, Maria Nevelson, Lou Pauzano

**Public Officials:** Frank Argenzio from State Representative Maria Donatucci’s office; Michele DiPietro from Councilman Kenyatta Johnson’s office

**GEAR zoning members in attendance:** Jody Della Barba, Thomas Donatucci, Cynthia Gamba, John Della Rocca, Paul Gambone

**Public Attendance:** 29 signed in

**PRESENTATION:**

Vincent Mancini, architect for Landmark, introduced Mrs. Nguyen and presented information on the project including spec drawings. He stated that the facility as planned will consist of a restaurant on the first floor and a banquet hall on the second. There is no liquor license or bar: both facilities are to be BYOB. Operating hours of the Restaurant are to be 11 AM to 9 PM and the banquet hall to be 11Am to 11 PM. Restaurant owner is a wedding planner and intends to run the second floor for weddings only. He stated that the purpose of the roof deck is to have an open air space for banquet guests to get fresh air or to smoke. He then agreed to answer questions from the assembled citizens.

**DISCUSSION:**

Cynthia Gamba, GEAR, stated that the applicants had not approached the community prior to setting up business or requesting a variance as was demanded by GEAR. Mr. Mancini replied that he was unaware of such a requirement and that the use of the building as a restaurant is of right.

*(NOTE: there is no legal requirement to approach an RCO prior to requesting a variance or setting up a business)*

Paul Rossi, GENA, asked about the applicant’s request to do away with the 5 foot setback all the way to zero. Why is a 9x60 foot deck needed so that a few people can get a breath of fresh air? A zero setback means that patrons will be directly above the sidewalk below with no barrier. Answer: no drinking, dining or music will be allowed.

John Christinzio, GENA, noted that the property is currently zoned as a nightclub (this is crucial because the variance stays with the property regardless of owner or subsequent user). Yet the building permit specifies a banquet hall. Did the applicants go through a process to get the venue rezoned away from being a nightclub? Mr. Mancini stated that Zoning and L&I don’t communicate well to each other.

Jody Della Barba, GEAR, reemphasized that it is still a nightclub now, and cast doubt on the likelihood of the banquet hall being used solely for weddings. Mr. Mancini stated that the planned use of the deck as a place to go for a smoke will enhance the success of the business.

Dana Mitchell, GENA, suggested that the owner take 8 or ten feet off the back of the deck (the side farthest from Oregon and nearest the residential area) and possibly install a barrier wall or soundproofing. Mr. Mancini allowed that this might be possible.

Some participants mentioned a long history of past problems with previous uses of the property as restaurant and nightclub venues and alleged that the current applicants had also incurred stop work orders due to lack of proper permits. Mr. Mancini blamed the lack of permits on the landlord, Sin Properties and said that the new owners are reliable.

Some participants asked whether the deck will be used for dining, drinking, or hosting music.

Mr. Mancini stated that it would not.

Many participants raised issues of noise, drunken behavior and litter on the premises. Mr. mentioned the possibility of bonded provisos in which applicant would agree to a moratorium on applying for a liquor license for an unspecified time period. (applicant has a 10 year lease with 10 year renewal option). He also emphasized that the applicant is a responsible business person,

**ACTION ITEMS:**

* Committee members to provide reactions and impressions by email on the request.
* Committee to vote yes or no on the variance by Sunday Oct 23
* Andre to explore a possible nuanced response involving desirable provisos and handling of the nightclub issue and to frame a possible letter to the ZBA. NOTE: Our deadline to report back is Nov 4