

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
APRIL 27, 2017  
COUNCIL CHAMBERS  
7PM**

The meeting was called to order at [7:14 PM](#) by the Chairman with the reading of the Open Public Meetings Act

Roll Call

Request for Withdrawals or Adjournments: [7:15 PM](#)

**Commissioners Present**

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

**Commissioners Absent**

Wesley Jenkins

**Also Present**

Susan Brown, Zoning Officer  
Daniel Bevere Esq., Board Attorney  
Nana Jumah, Acting Board Secretary  
Gerard Haizel, P.P, AICP, Planning Consultant  
John Barree, P.P, AICP, Planning Consultant  
Maria Hernandez, Recording Secretary

## Agenda Items

### Pending Applications:

Application: ZBA-16-31  
Premises: 118-120 Renner Avenue  
Ward: South  
Applicant: Antonio Custodio  
To Permit: In the R1, First Residential District, proposed change of use from a one family dwelling to a two family dwelling. Two family dwellings are not permitted in an R1 zone. **Seeking a D<sup>1</sup> Use Variance; C-Variations for insufficient rear and side yard setback, exceeding maximum impervious rear yard area, insufficient building transparency, insufficient lot size, insufficient lot width. Site Plan approval is not required. Previously adjourned 1/26/2017 Fausto Simoes, Esq., Jose Gennaro, Architect, John McDonough, Planner, Antonio Custodio, Applicant, John Santos, applicant's translator, appeared before the board. There were 0 objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Pringle-Khalif to deny this application. Motion carried 5 yes to deny - 1 no.**

Application: ZBA-16-64, 65, 66, 67 **Previously Adjourned on 03/09/17**  
Premises: 217-221, 224, 227-229, 228 Fairmount Avenue  
Ward: West  
Applicant: Urban League of Essex County  
To Permit: Scattered Site Project  
ZBA-16-64 217-221 Fairmount Avenue: In the R3, Third Residential District, proposed minor subdivision, demolition of existing structure and new construction of two (3) family dwellings and 4 parking spaces. Project does not conform to Zoning bulk regulations. **Seeking a D<sup>5</sup> Variance for insufficient lot area per dwelling; C Variations for insufficient lot area, insufficient lot width, exceeding maximum impervious front yard area, exceeding maximum fence height, and insufficient off-street parking. Subdivision approval required. Preliminary and Final Site Plan Approval required. Calvin Souder, Esq., Joaquin Bouzas, Architect, Leonard Robbins, Director of Real Estate for Urban League of Essex County, John McDonough, Planner and Landscaping Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to build a curb in the parking garage to prevent a vehicle from inadvertently entering the home on the ground floor
- Applicant agreed to work in conjunction with the Planning Office to plant the appropriate trees and or shrubs at this site
- Applicant agreed to implement their neighborhood improvement & green infrastructure plan presented to the Board at this site

ZBA-16-65 224 Fairmount Avenue: In the R3, Third Residential District, proposed new construction of a three family dwelling and two parking spaces. Project does not conform to Zoning bulk regulations. **Seeking a D<sup>5</sup> Variance for insufficient lot area per dwelling; C Variances for insufficient lot area, insufficient lot width, exceeding maximum fence height, insufficient off-street parking.** Preliminary and Final Site Plan Approval required. Calvin Souder, Esq., Joaquin Bouzas, Architect, Leonard Robbins, Director of Real Estate for Urban League of Essex County, John McDonough, Planner and Landscaping Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Baine to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to build a curb in the parking garage to prevent a vehicle from inadvertently entering the home on the ground floor
- Applicant agreed to work in conjunction with the Planning Office to plant the appropriate trees and or shrubs at this site
- Applicant agreed to implement their neighborhood improvement & green infrastructure plan presented to the Board at this site

ZBA-16-66 227-229 Fairmount Avenue: In the R3 Third Residential District, proposed minor subdivision and new construction of two (3) family dwellings and 4 parking spaces. Project does not conform to Zoning bulk regulations. **Seeking a D<sup>5</sup> Variance for insufficient lot area per dwelling; C Variances for insufficient lot area, insufficient lot width, exceeding maximum impervious front yard area, excessive fence height, and insufficient off-street parking.** Subdivision approval required. Preliminary and Final Site Plan Approval required. Calvin Souder, Esq., Joaquin Bouzas, Architect, Leonard Robbins, Director of Real Estate for Urban League of Essex County, John McDonough, Planner and Landscaping Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to build a curb in the parking garage to prevent a vehicle from inadvertently entering the home on the ground floor
- Applicant agreed to work in conjunction with the Planning Office to plant the appropriate trees and or shrubs at this site
- Applicant agreed to implement their neighborhood improvement & green infrastructure plan presented to the Board at this site

ZBA-16-67 228 Fairmount Avenue: In the R3, Third Residential District, proposed new construction of a three family dwelling with two parking spaces. Project does not conform to Zoning bulk regulations. **Seeking a D<sup>5</sup> Variance for insufficient lot area per dwelling; C Variances for insufficient lot area, insufficient lot width, insufficient off-street parking.** Preliminary and Final Site Plan

Approval is required. Calvin Souder, Esq., Joaquin Bouzas, Architect, Leonard Robbins, Director of Real Estate for Urban League of Essex County, John McDonough, Planner and Landscaping Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Baine to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to build a curb in the parking garage to prevent a vehicle from inadvertently entering the home on the ground floor
- Applicant agreed to work in conjunction with the Planning Office to plant the appropriate trees and or shrubs at this site
- Applicant agreed to implement their neighborhood improvement & green infrastructure plan presented to the Board at this site

#### New Applications:

Application: ZBA-17-3  
Premises: 152 Ferry Street  
Ward: East  
Applicant: 149 Ferry Street Realty Corp.  
To Permit:

In the C2; Community Commercial District, proposed ground floor conversion of a three story building from retail to a sit in and take-out deli restaurant with 48 seats. The existing one family dwelling on the 2nd floor and two dwellings on 3rd floor shall remain. No parking proposed. This project does not meet the bulk requirements. **Seeking C Variances for insufficient lot size, insufficient rear yard setback, exceeding maximum lot coverage, exceeding maximum rear yard impervious coverage, insufficient building transparency, and insufficient off street parking. Site Plan approval is not required. Fausto Simoes, Esq., Rui Amaral, Architect, Jonathan Nemerow, President of 149 Ferry Street Realty Corp. 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. Motion carried 7-0.**

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

Application: ZBA-16-84  
Premises: 57-59 Bryant Street  
Ward: North  
Applicant: Lilac Development Group LLC  
To Permit: In the R2, Second Residential District, proposed construction of a new three family dwelling. Three family dwellings are not permitted in the R2 zone. **Seeking a D<sup>1</sup> Use Variance. Preliminary and Final Site Plan approval is required. Fausto Simoes, Esq., and Joseph Asfour, Planner and Architect, Manuel Rosa, Owner of Lilac Development Group LLC appeared before the Board. There were no**

objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Baine to approve this application. Motion carried 7-0.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to build a curb in the parking garage to prevent a vehicle from inadvertently entering the home on the ground floor

#### **Memorialization**

ZBA-16-75 56 Ferguson Street

Adjournment [10:14 PM](#)

**Next Regular Meeting: March 11, 2017**