

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
May 25, 2017
COUNCIL CHAMBERS
7PM**

The meeting was called to order at 7:06 PM by the Chairman with the reading of the Open Public Meetings Act

Roll Call 7:10 PM

Request for Withdrawals or Adjournments 7:11 PM

Commissioners Present

**Katiria Cobian
Wesley Jenkins
Julius Montford
Terry Pringle-Khalif
Rose Marie Ruivo
Terence Baine, Vice Chairman
Charles Auffant, Chairman**

Commissioners Absent

**Barry Dobson
Charles N. Hall**

Also Present

**Mark Barksdale, P.P, Director of Planning
Susan Brown, Zoning Officer
Angelo Cifelli Jr., Esq., Board Attorney
Gerard Haizel, P.P, AICP, Planning Consultant
Walford Enniss, Recording Secretary
Nana Jumah, Acting Board Secretary**

Agenda Items

New Applications:

Application: ZBA-17-4
Premises: 195 Garside Street
Ward: North
Applicant: Kevin Enriquez
To Permit: In the R3 Third Residential District, proposed conversion of existing two family dwelling to be used as a three family dwelling. Three family dwellings are permitted in the R3 zone. **Seeking D Variance for insufficient lot area per dwelling; C Variances for insufficient lot area, insufficient lot width, insufficient front yard setback, insufficient side yard setback, exceeding maximum impervious lot coverage insufficient building transparency, and insufficient off-street parking. Preliminary and Final Site Plan approval required. Fausto Simoes, Esq., attorney for the applicant appeared before the Board. Fausto Simoes, Esq., requested an adjournment. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Ruivo to adjourn this application to September 13, 2017. All members were in favor of an adjournment. Re-noticing is required because date announced on record was incorrect. Statutory time period has been waived.**

Application: ZBA-17-10
Premises: 145 Thomas Street
Ward: East
Applicant: Jacinto M. Fidalgo for Laralex Realty, LLC
To Permit: In the MX-2 District, proposed demolition of an existing garage and construction of a new three family dwelling with three parking spaces. Three family dwellings are permitted in the MX-2 zone. **Seeking D Variance for insufficient lot area per dwelling; C Variances for insufficient lot width and insufficient lot size. Preliminary and Final Site Plan approval is required. Fausto Simoes, Esq., attorney for the applicant, Daniel Roma, Architect, and Jacinto Fidalgo, the applicant, appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Cobian to approve this application with conditions. The motion carried 7-0.**

Application: ZBA-17-1
Premises: 99-101 Pulaski Street
Ward: East
Applicant: 99 Pulaski, LLC
To Permit: In the R3 Third Residential District, proposed change of use of the first floor of a three story building from a deli and restaurant to be used as two retail spaces. Existing five residential units on second and third floors to remain. Expansion of legal non conforming use and commercial use not permitted in R3 zone. **Seeking a D¹ Use Variance; C Variances for insufficient lot area, insufficient rear yard setback, exceeding maximum lot coverage and insufficient building transparency and insufficient ground floor height. Preliminary and Final Site Plan approval required. Fausto Simoes, Esq., attorney for the applicant, Jose Gennaro, Architect, and Dmitriy Feldman, a managing member of 99 Pulaski, LLC, appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Jenkins to approve this application with conditions. The motion carried 7-0.**

Terence Baine becomes acting Chairman at [7:46 PM](#)

Application: ZBA-17-11
Premises: 387-389 Avon Avenue
Ward: South
Applicant: 387 Avon Avenue LLC
To Permit:

In the Kent/Brenner/Springfield Redevelopment Plan Area, Residential Sub-district, proposed interior alterations and change of use of a building consisting of four apartments and two ground floor stores to be used as a transitional housing facility with alcohol and drug addiction counseling services. No medical treatment will be performed on site. Transitional Housing is not permitted in the plan area. **Seeking a D¹ Use Variance. Preliminary and Final Site Plan approval required. Marsha Moore, Esq., attorney for the applicant, Daniel Roma, Architect, Dr. Muhammad Hamilton, founder of Prodigal Sons, & daughters, Gerard Haizel, Planner for Nishuane Group, and John McDonough, Planner appeared before the Board. Marsha Moore, Esq. requested an adjournment so that at least seven members would be present to vote. There were no objectors and 17 supporters present. A motion was made by Commissioner Montford and seconded by Commissioner Ruivo to adjourn this application. This application is adjourned to September 14, 2017. Re-noticing is required because date announced on record was incorrect. Statutory time period has been waived.**

Application: ZBA-17-13
Premises: 66-72 Dr. Martin Luther King Jr. Boulevard
Ward: Central
Applicant: High Street Mews Urban Renewal, LLC
To Permit: In the R3 Third Residential District, demolition of an existing auto repair facility and construction of a multi-family residential dwelling consisting of 10 units. Low Rise Multi-family dwellings are not permitted in the R3 zone. **Seeking a D¹ Use Variance; C Variances to permit building type, for insufficient side yard setback, insufficient rear yard setback, exceeding maximum lot coverage, exceeding fence height and insufficient off-street parking. Preliminary and Final Site Plan approval required. Jennifer Carrillo-Perez, Esq., attorney for the applicant, Gerard Haizel, Planner for Nishuane Group, and Angela Harris, Architect appeared before the Board. There were three objectors and two supporters present. A motion was made by Commissioner Montford and seconded by Commissioner Cobian to approve this application with conditions. The motion carried 5-0.**

2016 Annual Report adjourned to August 10, 2017 regular hearing

Memorialization

ZBA-16-31	118-120 Renner Avenue
ZBA-16-64	217-221 Fairmount Avenue
ZBA-16-65	224 Fairmount Avenue
ZBA-16-66	227-229 Fairmount Avenue
ZBA-16-67	228 Fairmount Avenue
ZBA-16-84	57-59 Bryant Street
ZBA-17-3	152 Ferry Street

Adjournment [9:36 PM](#)

Next Regular Meeting: June 8, 2017