

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
June 8, 2017  
COUNCIL CHAMBERS  
7PM**

The meeting was called to order at [7:10 PM](#) by the Acting Chairwoman, Rose Marie Ruivo, with the reading of the Open Public Meetings Act

Roll Call [7:13 PM](#)

**Commissioners Present**

Katiria Cobian  
Barry Dobson  
Charles N. Hall  
Wesley Jenkins  
Terry Pringle-Khalif  
Rose Marie Ruivo, Acting Chairwoman

**Commissioners Absent**

Julius Montford  
Terence Baine, Vice Chairman  
Charles Auffant, Chairman

**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

Request for Withdrawals or Adjournments

## Agenda Items

### New Applications:

Application: ZBA-17-5  
Premises: 18 Green Street  
Ward: East  
Applicant: Digital Outdoor Advertising LLC  
To Permit: In the Living Downtown Redevelopment Plan Area, proposed installation of two rooftop illuminated signs, two wall mounted signs and three murals onto an existing restaurant and offices. Rooftop billboards are not permitted in this district. **Seeking a D<sup>1</sup> Use Variance; C Variances to permit placement of signage above the roofline, to permit digital sign, to permit internally illuminated sign, exceeding maximum number of signs on a frontage, exceeding maximum wall sign area. Minor Site Plan approval is required. Fausto Simoes, Esq., requested an adjournment because there was not a full complement of seven Board Members present. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Dobson to adjourn this application to September 14, 2017. All members were in favor. Statutory time period was waived and no new notice is required.**

Application: ZBA-17-6  
Premises: 377-387 N. 5th Street  
Ward: West  
Applicant: JV Construction & Development, LLC  
To Permit: In the MX-2 Mixed Use Residential/Commercial/Industrial District, proposed new 5 story residential building consisting of 124 units over 120 parking spaces. Mid-rise multi-family dwellings are not permitted in the MX-2 zone. **Seeking D<sup>1</sup> Use Variance, C Variances for building type, exceeding maximum front yard setback, insufficient rear yard setback, exceeding maximum lot coverage, exceeding maximum impervious rear yard coverage. Preliminary and Final Site Plan approval required. Fausto Simoes, Esq., requested an adjournment because there was not a full complement of seven Board Members present. There were no objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Jenkins to adjourn this application to September 28, 2017. All members were in favor. Statutory time period was waived and no new notice is required.**

Application: ZBA-17-9  
Premises: 176-192 McClellan Street  
Ward: South  
Applicant: CFS 2907 Northeast LLC  
To Permit: In the EWR/Airport Support District, proposed expansion of a paid public parking facility; to add 382 parking spaces to the existing 1,440 spaces. Expansion of a non-permitted use is not permitted. Site Plan previously approved by Board of Adjustment on June 26, 1991 and September 7, 2006. **Seeking a D<sup>2</sup> Variance for the expansion of a legal non-conforming use; C Variances for exceeding maximum impervious lot coverage. Preliminary and Final Site Plan approval is required. Diane Hickory, Esq., Lawrence Murphy, Engineer, and Paul Phillips, Planner, appeared before the Board. There were no objectors**

present. A motion was made by Commissioner Dobson and seconded by Commissioner Cobian to approve this application with conditions. Motion carried 6-0.

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated June 1, 2017.
- Applicant agreed to work in conjunction with the Dept. of Engineering and the Div. of Water/Sewer Utilities to satisfy their recommendations.

Application: ZBA-17-22 [7:15 PM & 7:50 PM](#)

Premises: 167 Lafayette Street

Ward: East

Applicant: 167 Lafayette Associates LLC

To Permit: In the MX-1 Mixed Use Residential/Commercial District, proposed demolition of existing one retail space and two family dwelling to construct a new three family dwelling with three parking spaces. Three families are permitted in the MX-1 zone. Project does not conform to Zoning bulk regulations. Site Plan previously approved for a two family dwelling by Central Planning Board on November 9, 2015. **Seeking D<sup>5</sup> Variance insufficient lot area per dwelling; C Variances for insufficient lot size, insufficient lot width, exceeding maximum lot coverage. Preliminary and Final Site Plan approval is required. Marsha Moore, Esq., Daniel Roma, Architect, and John McDonough, Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Jenkins to approve this application with conditions. Motion carried 6-0.**

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to maintain the existing on-site trees, remove one tree on McWhorter Street, and plant a new tree near the driveway
- Applicant agreed to reduce the driveway from 24 feet to a 20 foot driveway

2016 Annual Report is scheduled for the August 10, 2017 regular hearing.

#### Memorialization

ZBA-17-2	43-57 Passaic Street
ZBA-17-12	23 Downing Street
ZBA-16-76	701-721 S. 10th Street & 724-738 S. 11th Street
ZBA-16-77	461-467 Frelinghuysen Avenue

Adjournment [8:18 PM](#)

Next Special Meeting: June 15, 2017

Next Regular Meeting: June 22, 2017