

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
JULY 13, 2017  
COUNCIL CHAMBERS  
7PM**

The meeting was called to order at [7:12 PM](#) by the Acting Chairman, Terence Baine, with the reading of the Open Public Meetings Act

Roll Call [7:14 PM](#)

Request for Withdrawals or Adjournments

**Commissioners Present**

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

**Commissioners Absent**

Charles Auffant

**Also Present**

John Barree, P.P, AICP, Planning Consultant  
Susan Brown, Zoning Officer  
Angelo Cifelli Jr., Esq., Board Attorney  
Walford Enniss, Recording Secretary  
Gerard Haizel, P.P, AICP, Planning Consultant  
Nana Jumah, Acting Board Secretary

## Agenda Items

### Pending Applications:

Application: ZBA-16-72  
Premises: 483-491 Washington Street  
Ward: Central  
Applicant: Sawab Shabazz

To Permit: In the Lincoln Park Redevelopment Plan Area Mixed Level Sub-district, proposed renovation of a vacant homeless shelter to be used as a house of worship on the first floor and community center on the second floor. A house of worship is not permitted on the first floor in the Mixed Level Sub-district. **Variations and Preliminary Site Plan approved June 22, 2017. Final Site Plan approval required. John P. Dell 'Italia, Esq., the applicant's attorney, appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Cobian to approve final site plan with conditions. Motion carried 7-0.**

Application: ZBA-17-29  
Premises: 1234-1240 McCarter Highway  
Ward: Central  
Applicant: Thomas Patterson for PSEG

To Permit: In the Newark Riverfront Redevelopment Plan Area, Lower Broadway Mixed Use 3 Sub district, proposed upgrade and expansion of the existing PSEG Clay Street substation to include a three story Gas Insulated Switchgear building, three transformers and electrical process equipment. Project does not conform to zoning bulk regulations. **Variations and Preliminary Site Plan approved June 22, 2017. Final Site Plan approval is required. Glenn C. Kienz, Esq., the applicant's attorney, appeared before the Board. There were no objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Montford to approve final site plan with conditions. Motion carried 7-0.**

Application: ZBA-16-57  
Premises: 18-26 New York Avenue & 17-19 Garden Street  
Ward: East  
Applicant: New York Garden Associates Inc.

To Permit: In the MX1, Mixed Use Residential/Commercial District, proposed merger of existing 7 lots and construction of a new 7 story building consisting of 70 residential units over 75 parking spaces. Mid-rise multi-family dwellings are not permitted in the MX-1 zone. **Seeking a D<sup>1</sup> Use Variance, D<sup>5</sup> Variance for insufficient lot area per dwelling unit; C Variations to permit building type in the zone, exceeding maximum lot coverage, insufficient building transparency on non-street facing side, and insufficient off-street parking. Preliminary and Final Site Plan Approval required. Previously adjourned 3/23/2017 Fausto Simoes, Esq.,**

Bahman Izadmehr, Principal and Traffic Engineer, Matthew Jarmel, Architect, and Roger DeNiscia, Planner, appeared before the Board. There were 25 objectors and 8 supporters present. A motion was made by Commissioner Jenkins and seconded by Commissioner Cobian to approve this application with conditions. Motion carried 5yes-2no.

- Applicant agreed to comply with the Department of Engineering and the Division of Water/Sewer Utilities
- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated January 3, 2017.
- Applicant agreed to keep garage gates open during morning peak hours
- Applicant agreed to work with the Department of Engineering to divert vehicles leaving the building away from existing traffic caused by the neighboring school

### New Applications:

Application: ZBA-17-19  
Premises: 566-570 Broad Street  
Ward: Central  
Applicant: 570 Broad St., LLC c/o Berger Organization  
To Permit: In the Broad Street Station Redevelopment Plan Area Sub-district C: Washington Park Cultural District, proposed signage for the southern elevation of an office building. Project does not meet bulk requirements of the Zoning Regulations. Newark Landmarks and Historic Preservation Commission approved this sign application on September 2, 2015. **Seeking C Variance for excessive signage. Site Plan approval not required. Joseph Sordillo, Esq., Bruce Fish, Owner of Signal Sign Company, appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to approve this application. Motion carried 7-0.**

Application: ZBA-17-17  
Premises: 370-386 Orange Street  
Ward: Central  
Applicant: AMERCO Real Estate Company  
To Permit: In the R6, High-Rise Multifamily Residential District, proposed self-storage and truck rental facility as well as a retail showroom and one unrelated retail space. Self-storage facilities and truck rental facilities are not permitted in the R6 zone. **Seeking a D<sup>1</sup> Use Variance; C Variances for exceeding maximum lot coverage, exceeding maximum impervious front yard area, insufficient building transparency on front, side and rear façade, insufficient building transparency, insufficient building transparency on non-street facing façade, insufficient floor-to-floor height, insufficient shade trees, insufficient parking area landscaping, insufficient illumination at entrances and exits, exceeding maximum level of illumination at property line abutting non-residential use, exceeding maximum wall sign area on Orange Street, in the parking area, insufficient illumination along Orange Street, First Street, and on the**

southern frontage. Preliminary and Final Site Plan approval required. Donna Erem, Esq., the applicant's attorney, requested an adjournment due to the length of time the above-listed applications would demand. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to adjourn this application to September 28, 2017. All members were in favor. Statutory time period has been waived and no new notice is required.

Application: ZBA-17-21  
Premises: 761-769 Broad Street  
Ward: Central  
Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless  
To Permit: In the Living Downtown RDV Plan Area, proposed installation of a telecommunication facility consisting of twelve antennas and equipment on roof top of existing building. Rooftop telecommunication facilities are not permitted in the plan area. Newark Landmarks and Historic Preservation Commission approved this antenna facility application on November 3, 2016. **D<sup>3</sup> Variance for failing to meet conditional use requirements. Preliminary and Final Site Plan approval required. Gregory Meese, Esq., the applicant's attorney, requested an adjournment due to the length of time the above-listed applications would demand. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Montford to adjourn this application to September 28, 2017. All members were in favor. Statutory time period has been waived and no new notice is required.**

**Memorialization [10:38 PM](#)**

ZBA-16-72 52-90 Amsterdam Street  
ZBA-17-28 483-491 Washington Street  
ZBA-17-29 1234-1240 McCarter Highway

**Adjournment [10:39 PM](#)**

**Next Regular Meeting: August 10, 2017**