

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
AUGUST 10, 2017
COUNCIL CHAMBERS
7PM**

The meeting was called to order at [7:03 PM](#) by the Acting Chairman, Terence Baine, with the reading of the Open Public Meetings Act

Roll Call [7:05 PM](#)

Commissioners Present

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

Commissioners Absent

Charles Auffant
Julius Montford

Also Present

Susan Brown, Zoning Officer
Angelo Cifelli Jr., Esq., Board Attorney
Maria Hernandez, Recording Secretary
Gerard Haizel, P.P, AICP, Planning Consultant
Nana Jumah, Acting Board Secretary

Agenda Items

Request for Withdrawals or Adjournments

Pending Applications:

Application: ZBA-17-26
Premises: 28-50 McWhorter Street
Ward: East
Applicant: 28 McWhorter Street, LLC
To Permit: In the R5, Mid-rise Multifamily Residential District, proposed construction of new 12-story building consisting of one commercial retail space and 384 residential units. High Rise Multifamily buildings are not permitted. **Seeking a D¹ Use Variance and D⁵ Variance for insufficient lot area per dwelling. C Variances for exceeding max lot coverage, insufficient ground floor height, excessive lighting and insufficient garage lighting. Preliminary and Final Site Plan approval is required. Previously adjourned 5/11/2017 Bisola Taiwo, Esq., counsel on behalf of the applicant appeared before the Board. Bisola Taiwo, Esq. requested an adjournment because their professional architect and engineer were not present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Hall to adjourn this application. This application was adjourned to November 9, 2017. Re-noticing is not required and the statutory time period has been waived.**

Application: Res Judicata consideration
Premises: 28-50 McWhorter Street
Ward: East
Applicant: 28 McWhorter Street, LLC
To Permit: In the R5, Mid-Rise Multifamily Residential District, proposed public surface parking lot to contain 162 spaces, control booth, enhanced lighting and landscaping at street frontages. Paid public surface parking lots are not permitted in the R-5 zone. **Previously adjourned 3/16/2017, 5/11/2017. Bisola Taiwo, Esq., and counsel on behalf of the objectors Lisa Scorsolini, Esq. appeared before the Board. The applicant's attorney requested their application ZBA-16-73 be withdrawn.**

Application: ZBA-16-73
Premises: 28-50 McWhorter Street
Ward: East
Applicant: 28 McWhorter Street, LLC
To Permit: In the R5, Mid-Rise Multifamily Residential District, proposed public surface parking lot to contain 162 spaces, control booth, enhanced lighting and landscaping at street frontages. Paid public surface parking lots are not permitted in the R-5 zone. **Seeking a D¹ Use Variance. Preliminary and Final Site Plan Approval is required. Previously adjourned 3/16/2017, 5/11/2017. Application withdrawn.**

New Applications:

Application: ZBA-17-35
Premises: 210-212 Bergen Street
Ward: Central
Applicant: Wertheimer and Son Inc.
To Permit: In the R4 Low-Rise Multifamily Residential District, proposed restoration and conversion of a fire damaged four family dwelling into a three family dwelling. Project does not meet the Zoning bulk regulations. **Seeking a D⁶ Variance for exceeding maximum building height; C Variances for insufficient rear yard area, exceeding maximum impervious rear yard, insufficient front façade transparency, and insufficient rear façade transparency. Preliminary and Final Site Plan Approval required. Fausto Simoes, Esq., Jose Gennaro, R.A, and Leslie Emmanuel, the property owner, appeared before the Board. There were four supporters and no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Jenkins to approve this application with conditions. Motion carried 7-0.**

- **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 August 3, 2017.**

Application: ZBA-17-45
Premises: 230 Martin Luther King Boulevard
Ward: Central
Applicant: Nicholas Yourth
To Permit: In the Broad Street Station Redevelopment Area Sub-district D, proposed new construction of a 4 story four family dwelling. New four family dwellings are not permitted in Sub-district D of Broad Street Station Redevelopment Area. Newark Landmarks and Historic Preservation Commission approved this application on June 7, 2017. **Seeking a D¹ Use Variance; C Variances for insufficient building transparency, and excessive lighting at property line. Preliminary and Final site plan approval required. Fausto Simoes, Esq., Patrick Lesbirel, R.A, and Nicholas Yourth, the property owner, appeared before the Board. There was one supporter and no objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Ruivo to approve this application with conditions. Motion carried 7-0.**

- **Applicant agreed to comply with the Department of Engineering and the Division of Water/Sewer Utilities**

Memorialization

ZBA-17-19 566-570 Broad Street

Adjournment **7:45 PM**

Next Regular Meeting: September 14, 2017