

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
SEPTEMBER 28, 2017
COUNCIL CHAMBER
7PM**

The meeting was called to order at [7:06 PM](#) by the Acting Chairman, Terence Baine, with the reading of the Open Public Meetings Act

Roll Call [7:08 PM](#)

Commissioners Present

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

Commissioners Absent

Charles Auffant

Also Present

Susan Brown, Zoning Officer
Angelo Cifelli Jr., Esq., Board Attorney
Walford Enniss, Recording Secretary
Gerard Haizel, P.P, AICP, Planning Consultant
Nana Jumah, Board Secretary
Upendra Sapkota, Acting Director of Planning, Zoning & Sustainability

Agenda Items

Request for Withdrawals or Adjournments

Pending Applications:

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 D¹ 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. Attorney Fausto Simoes, Planner John McDonough, Traffic Engineer Andrew Jafolla, and Architect Anthony D'Agosta appeared before the Board. There was one objector present. A motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to approve this application and preliminary site plan with conditions. Motion carried 6-0.**

- 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 June 1, 2017.
- Applicant agreed to provide at least five (5) handicap parking spaces
- Applicant agreed to install a second elevator in the building
- Applicant agreed to work with the Department of Engineering to install an appropriate warning sign at the entrance and exit of the parking garage during school hours

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 D¹ 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. Attorney Donna Erem, Architect Andrew Lasich, Engineer Michael Fowler, Planner Steven Lydon and Marketing President of Northern NJ U-Haul Anthony Paladino, appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Jenkins to approve this application and site plan with conditions. Motion carried 7-0.

- Applicant agreed to comply with the Division of Water/Sewer Utilities
- Applicant agreed to work in conjunction with the Department of Engineering to satisfy their recommendations
- Applicant agreed to work with the Planning staff to satisfy the recommendations outlined in the Planner's Staff Report dated July 5, 2017.
- Applicant agreed to not rent any sign area for advertisement
- Applicant agreed to not make any changes to the lifestyle graphics (lockers) on the building facing Orange Street

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 Redevelopment Plan Area, proposed installation of a telecommunication facility consisting of twelve antennas and equipment on roof top of existing office building. Newark Landmarks and Historic Preservation Commission approved this antenna facility application on November 3, 2016. Rooftop Telecommunication facilities are not permitted in the Living Downtown Redevelopment Plan Area. **Seeking a D¹ Use Variance. Preliminary and Final Site Plan approval required. Attorney Allyson M. Kasetta, Radio Frequency Engineer Ron Lukach, Architect Charles J. Whelan, Planner William F. Masters and Radio Frequency Compliance Engineer Michael Fischer. There were no objectors present. Commissioner Dobson recused himself from this application. 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.**

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated July 10, 2017.

Memorialization: [9:48 PM](#)

ZBA-17-4	195 Garside Street
ZBA-17-27	394-440 Washington Street
ZBA-17-23	349-351 Chestnut Street
ZBA-17-30	234-236 Sixth Avenue

Adjournment: [9:49 PM](#)

Next Regular Meeting: October 12, 2017