

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
SEPTEMBER 14, 2017  
COUNCIL CHAMBER  
7PM**

The meeting was called to order at [7:11 PM](#) by the Chairman, Charles Auffant, with the reading of the Open Public Meetings Act

Roll Call [7:13 PM](#)

**Commissioners Present**

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

**Commissioners Absent**

Charles N. Hall

**Also Present**

Susan Brown, Zoning Officer  
Angelo Cifelli Jr., Esq., Board Attorney  
Upendra Sapkota, Acting Director of Planning, Zoning & Sustainability  
Walford Enniss, 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-17-11  
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 D<sup>1</sup> Use Variance. Preliminary and Final Site Plan approval required. Marsha Moore, Esq., attorney for the applicant, appeared before the Board to request an adjournment. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Ruivo to adjourn this application to December 14, 2017. Applicant agreed to re-notice and the statutory time period has been waived.**

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 office building. Rooftop billboards are not permitted in the Living Downtown Redevelopment Plan Area. **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 required.** Previously adjourned 6/08/17 **Fausto Simoes, Esq., attorney for the applicant, Bahman Izadmehr, Principal Engineer, and William F. Masters, Planner, appeared before the Board. There were no objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Baine to deny this application. The motion carried 7-0.**

Application: ZBA-17-4  
Premises: 195 Garside Street  
Ward: North  
Applicant: Kevin Enriquez  
To Permit:

In the R3 Third Residential District, proposed conversion of an existing two family dwelling to a three family dwelling. This project does not meet the bulk regulations of the Zoning Regulations. **Seeking D<sup>5</sup> Variance for insufficient lot area per dwelling; C Variances for insufficient lot area, insufficient lot width,**

exceeding maximum front yard setback, exceeding maximum side yard setback, exceeding maximum impervious lot coverage insufficient building transparency, and insufficient off-street parking. Preliminary and Final Site Plan approval required. Previously adjourned 5/25/17 Fausto Simoes, Esq., attorney for the applicant, Joseph Asfour, Architect and Planner, and Kevin Enriquez, Owner, appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to approve preliminary site plan with conditions. The motion carried 7-0.

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report May 19, 2017.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to submit deed restriction stating the basement will not be converted to an apartment
- Applicant agreed to remove all non- structural walls in the basement
- Applicant agreed to remove bathroom and kitchen in the basement
- Applicant agreed resubmit basement plan depicting changes

#### New Applications:

Application: ZBA-17-27  
Premises: 394-440 Washington Street  
Ward: Central  
Applicant: BRP 440 WS Urban Renewal, LLC  
To Permit: In the Living Downtown Redevelopment Plan Area, proposed minor subdivision of lot to separate existing building from the surface parking area creating two lots. Surface Parking Lots are not permitted in the Living Downtown Redevelopment Plan Area. **Seeking a D<sup>1</sup> Use Variance; Subdivision Approval required. Karl Kemm, Esq., attorney for the applicant, Gregory Gallas, Surveyor, and William F. Masters, Planner, appeared before the Board. There were no objectors present. A motion was made by Commissioner Cobian and seconded by Commissioner Jenkins to approve this application with conditions. The motion carried 5yes-2no.**

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report September 6, 2017.

Application: ZBA-17-23  
Premises: 349-351 Chestnut Street  
Ward: East  
Applicant: Maloco LLC  
To Permit: In the MX-1, Mixed Use Residential/Commercial District, proposed increase of dwelling units on the second floor for a total of three residential units and renovation of an existing restaurant, bar and liquor store. Liquor stores are not permitted in the MX-1 zone. **Seeking a D<sup>2</sup> Variance to permit expansion of a nonconforming use; C Variances for exceeding maximum lot coverage, insufficient building transparency and insufficient off-street parking. Preliminary and Final Site**

**Plan approval required.** Fausto Simoes, Esq., attorney for the applicant, Darrell Alvarez, Engineer and Architect, William F. Masters, Planner, and Joaquin Mateus, Managing Owner, appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to approve this application with conditions. The motion carried 7-0.

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report September 5, 2017.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Application: ZBA-17-30

Premises: 234-236 Sixth Avenue

Ward: East

Applicant: T-Mobile Northeast, LLC

To Permit: In the R3, Third Residential District, proposed installation of a new telecommunication facility consisting of twelve panel antennas, eight remote radio units, four dish antennas and three equipment cabinets on the rooftop of an existing mixed-use building. Telecommunication facilities are not permitted in the R3 zone. **Seeking a D<sup>1</sup> Use Variance. Preliminary and Final Site Plan approval required.** Frank Ferraro, Esq., attorney for the applicant, Frances Boschulte, Radio Frequency Engineer, Christopher Cirroto, Engineer, and William F. Masters, Planner, appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Dobson to approve this application with conditions. The motion carried 6yes-1no.

- Applicant agreed to use second alternative stealth screen (exhibit A7) presented to the Board to reduce visibility of facility.

**Communications:** 2016 Annual Report: [10:08 PM](#)

**Memorialization:** [10:30 PM](#)

ZBA-17-35	210-212 Bergen Street
ZBA-17-45	230 Martin Luther King Boulevard
ZBA-16-57	18-26 New York Avenue

**Adjournment:** [10:32 PM](#)

**Next Regular Meeting:** September 28, 2017