

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
January 12, 2016
COUNCIL CHAMBERS
7PM**

The meeting was called to order at 7:08 PM by the Chairman with the reading of the Open Public Meetings Act

Roll Call

Request for Withdrawals or Adjournments: 7:10 PM

Commissioners Present

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

Also Present

Mark Barksdale, Director of Planning
Ade Afolabi, Zoning Officer
Angelo Cifelli, Board Attorney
Nana Jumah, Acting Board Secretary
Maria Hernandez, Recording Secretary
Gerard Haizel, Planning Consultant

New Applications:

Application: ZBA-16-56
Premises: 71 Elm Road
Ward: East
Applicant: Antonio and Maria Mira
To Permit: In the R3; Third Residential District, proposed construction of a two car driveway in the front yard of an existing one family dwelling. Off street parking is not permitted in the front yard. **Seeking C Variances to permit parking in front yard of structure, exceeding maximum front yard setback, insufficient rear yard, insufficient side yard, exceeding maximum lot coverage. Site Plan Approval not required. Fausto Simoes, Esq., and Alfredo DaSilva, R.A appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo to approve this application with conditions and seconded by Commissioner Baine. Motion carried 7-0.**

- **Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated January 03, 2017.**

Application: ZBA-16-59
Premises: 121-139 Sussex Avenue
Ward: Central
Applicant: Garvey Ince
To Permit: In the Broad Street Station Redevelopment Area Sub-district E, proposed installation of a mounted electronic sign at entrance of Marion P. Thomas Charter School. Electronic signs are not permitted in any district. **Seeking C Variances to permit an electronic sign, and an internally illuminated sign that does not utilize letters. Site Plan Approval not required. Chairman Auffant recused himself from this application. Vice Chairman Baine became Acting Chairman for this application. Steven H. Merman, Esq., Karen Nichols, R.A, Reverend Garvey Ince, Executive Director of Friends of Marion P. Thomas Charter School appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall to approve this application and seconded by Commissioner Montford. 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 79 residential units over parking. Mid-rise multi-family dwellings are not permitted in the MX-1 zone. **Seeking a Use Variance, D5 Variance for insufficient lot area per dwelling unit; C Variances 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. Fausto Simoes, Esq., requested an adjournment because the parking study was not submitted ten days prior to hearing nor reviewed by Department of Engineering. There were 18 objectors present. A motion was**

made by Commissioner Dobson and seconded by Commissioner Hall to adjourn this application to March 23, 2017. Statutory time period waived and no new notice required.

Application: ZBA-16-52
Premises: 380-396 Jelliff Avenue
Ward: South
Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless
To Permit: In the I1 Light Industrial District, proposed replacement of existing small network node facility with a new FCC licensed rooftop wireless telecommunications macro facility onto a warehouse. Wireless telecommunication facilities are permitted as a conditional use in the I1 zone. Project fails to meet conditional use requirements. **D3 Variance for failing to meet conditional use requirements. Site Plan Approval not required. Frank Ferraro, Esq., Peter Ludas, P.E, Frances Boschulte, Radio Frequency Engineer, David Karlebach, Planner and Alison Gulino, Court Recorder, appeared before the Board. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Pringle-Khalif to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to stealth all sides of rooftop antenna facility
- Applicant agreed to move rooftop antenna facility 12 feet south to reduce visibility and appear as photo simulation A3
- The applicant must return to the Board if unable to comply with these conditions

Communications

Memorialization

ZBA-16-13	830-852 Broadway
ZBA-16-09	367-369 South Orange Avenue
ZBA-16-55	376-414 Doremus Avenue
ZBA-16-43	114, 116 Madison Street
ZBA-16-36	171 McWhorter Street

Adjournment [08:39 PM](#)

Next Regular Meeting: January 26, 2017