

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
JANUARY 26, 2016
COUNCIL CHAMBERS
7PM**

The meeting was called to order at [7:09 PM](#) by the Chairman with the reading of the Open Public Meetings Act

Roll Call

Request for Withdrawals or Adjournments: [7:13 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

Ade Afolabi, Zoning Officer
Angelo Cifelli, Board Attorney
Gerard Haizel, Planning Consultant
Walford Ennis, Recording Secretary
Nana Jumah, Acting Board Secretary

Agenda Items

Pending Applications:

Application: ZBA-16-31
Premises: 118-120 Renner Avenue
Ward: South
Applicant: Antonio Custodio
To Permit: In the R1, First Residential District, proposed conversion of a one family dwelling to a two family dwelling. Two family homes are not permitted in an R1 zone. **Seeking a D¹ Use Variance; C Variances for insufficient rear and side yard setback, exceeding maximum impervious rear yard area, insufficient building transparency, insufficient lot size, insufficient lot width. Site Plan approval not required. Fausto Simoes, Esq. requested an adjournment due to the applicant and Planner not being present. There were no objectors present. A motion was made by Commissioner Baine to adjourn this application and seconded by Commissioner Pringle-Khalif. This application is adjourned to April 27, 2017. Statutory time period has been waived. New notice not required.**

Application: ZBA-16-46
Premises: 226-228 Sherman Avenue
Ward: South
Applicant: 226-228 Sherman Avenue Inc.
To Permit: In the I1, First Industrial District, proposed auto repair and used auto sales lot. Auto sales lots are permitted as a conditional use in the I-1 Zone and automobile repair shops are permitted as an accessory to the sales use. Project fails to meet conditional use requirements. **Seeking D³ Variance for failing to meet conditional use requirements; Seeking C Variances for exceeding maximum front yard area, insufficient rear yard, exceeding maximum lot coverage, exceeding maximum impervious front and rear yards, insufficient building transparency. Preliminary and Final Site Plan approval required. Manual Sanchez, Esq., Joseph Asfour, Architect and Planner, and Ibrahim Elsamna, Principal of 226-228 Sherman Avenue Inc. appeared before the Board. There were no objectors present. A motion was made by Commissioner Pringle-Khalif to deny this application and seconded by Commissioner Baine. Motion carried 6-1. This application was denied.**

Application: ZBA-16-62
Premises: 56 Waydell Street
Ward: East
Applicant: Anthony, Maria, and Jose Gomes
To Permit: In the MX-2; Mixed Use Residential/Commercial/Industrial District, proposed conversion of one family into a two family dwelling. Project does not meet bulk requirements of the Zoning Regulations. **C Variances for insufficient lot size, insufficient rear yard setback, for insufficient lot area per dwelling unit, exceeding maximum lot coverage, exceeding maximum impervious rear yard.**

Site Plan Approval not required. Anthony Gomes, the applicant and Rui Amaral, Architect, appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Hall to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to not convert recreational room into an additional apartment.
- Applicant agreed to convert bathroom on first floor into a half bathroom only.

Application: ZBA-16-61

Premises: 350-358 Broad Street

Ward: Central

Applicant: Muy Brands, LLC

To Permit: In the Broad Street Station Redevelopment Plan Area, Sub District F, proposed merger of existing lots and Taco-Bell restaurant with a drive-thru. Restaurants are permitted in this redevelopment area on Broad Street. Proposed drive thru is not a permitted use. Project does not meet the requirements of Land Use Regulations. Seeking a D¹ Use Variance; Seeking C Variances to greater front yard setback, insufficient building height, exceeding maximum drive-way width, exceeding number of driveways, to permit driveway closer to signalized corner, insufficient number of trees, insufficient number of shade or ornamental trees in the parking lot, to allow sign that extends above lowest part of the roofline, to permit a pylon sign, exceeding maximum sign area, exceeding maximum sign height, insufficient illumination for parking area, exceeding maximum illumination on the walkways, exceeding maximum illumination at northeastern property line, design waiver for insufficient number of trees. Preliminary and Final Site Plan approval required. Jennifer Mazawey, Esq., Robert Delia, Retail Realtor of Muy Brands, Robert Streker, Site Engineer, Elizabeth Dolan, Traffic Analyst, and John McDonough, Professional Planner, appeared before the Board. There were sixteen objectors and one supporter present. A motion was made by Commissioner Montford to approve this application with conditions and seconded by Commissioner Hall. Motion carried 4yes-3no. This application was denied for failure to reach five (5) affirmative votes pursuant to NJSA 40:55D-70d.

Memorialization [11:40 PM](#)

ZBA-16-56	71 Elm Road
ZBA-16-59	121-139 Sussex Avenue
ZBA-16-52	380-396 Jelliff Avenue
ZBA-16-59	196-198 N. Seventh Street
ZBA-16-22	23-51 Clifton Avenue

Adjournment [11:44 PM](#)

Next Regular Meeting: February 9, 2017