

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
FEBRUARY 23, 2017  
COUNCIL CHAMBERS  
7PM**

The meeting was called to order at 7:08:39 PM by the Chairman with the reading of the Open Public Meetings Act.

Roll Call 7:10:12 PM

Communications 8:58:44 PM

Letter from Jennifer Mazzawey, Esq. regarding a waiver (Article VIII, Rules and Regulations of the Board of Adjustment) from Article III of the Board of Adjustment's By-Laws for ZBA-16-61, 350-358 Broad Street.

Commissioners Present

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  
Kevlin Taylor, Acting Board Secretary

Absent

Katiria Cobian

## Pending Applications:

Application: ZBA-16-27  
Premises: 353 Elm Street  
Ward: East  
Applicant: Michael Cunha  
Proposing: In the R3; Third Residential District, proposed legalization of an existing four (4) family dwelling. Four family dwellings are prohibited in the R3 zone. Seeking a D<sup>1</sup> Use Variance, Seeking a D<sup>5</sup> Variance for insufficient lot area per dwelling; C Variance to permit building type, insufficient lot area, insufficient lot width, exceeding maximum building height, exceeding minimum side yard setback, exceeding maximum impervious front yard coverage, insufficient building transparency, insufficient off-street parking spaces. Preliminary and Final Site Plan Approval required. Previously adjourned on 9/08/16. **A motion was made by Commissioner Ruivo and seconded by Commissioner Jenkins to approve this application with conditions. Motion Carried 7-0. Preliminary and Final Site Plan approved 7-0. There were no objectors present.**

- Applicant cannot convert recreation room into an additional apartment.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities
- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated August 26, 2016.

Application: ZBA-16-1  
Premises: 472-482 Bloomfield Avenue  
Ward: North  
Applicant: Jersey Fuel, LLC  
To Permit: In the C2; Community Commercial District, proposed new construction of a two story building with convenience store on the first floor and offices on the second floor as an accessory to an existing gasoline station. Convenience stores and offices are not permitted as accessory uses in the C2 zone. Gas stations are not permitted in the C2 zone. Seeking a D<sup>1</sup> Use Variance, D<sup>2</sup> Variance for expansion of a non-conforming use; C Variances for exceeding maximum front yard setback, insufficient rear yard setback, exceeding maximum lot coverage, exceeding maximum impervious rear yard area and insufficient parking. Preliminary and Final Site Plan approval required. Previously adjourned on 10/13/16. **A motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to approve this application with conditions. Motion carried 7-0. Preliminary Site Plan approval required. There was one objector present.**

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated July 21, 2016.
- Second Floor office space cannot be leased out.
- Applicant agreed to install an alarm system and cameras that record inside and outside of the business.

New Applications:

Application: ZBA-16-70  
 Premises: 650-656 Springfield Avenue  
 Ward: South  
 Applicant: 650-656 Springfield Avenue, LLC  
 To Permit: In the Kent/Brenner/Springfield Redevelopment Area, Residential and MUCR sub-districts, proposed realignment and merger of 21 lots to become two lots. Demolition of a three story dwelling and construction of a four story building consisting of 59 residential units and 28 surface parking spaces on one lot; and construction of a five story apartment building consisting of 56 residential housing units and 30 ground floor parking spaces on second lot. Mid-rise apartment buildings are not permitted in Residential or MUCR sub-district. **Seeking a D<sup>1</sup> Use Variance, D Variance for exceeding permitted height; C Variances for insufficient front yard setback, insufficient lot area per dwelling insufficient number of off-street parking spaces. Preliminary and Final Site Plan approval required. The application cannot be heard due to a deficient public notice. A motion was made by Commissioner Montford and seconded by Commissioner Pringle-Khalif to adjourn this application to March 9, 2017. Motion carried 7-0**

Application: ZBA-16-69  
 Premises: 548 Springfield Avenue  
 Ward: South  
 Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless  
 To Permit: In the Kent/Brenner/Springfield Redevelopment Area, MUCR Sub-district, proposed installation of wireless telecommunications facility including panel antennas and equipment cabinets. Installation of wireless telecommunications facility is not permitted in this zone. Project fails to meet conditional use requirements. **Seeking D<sup>1</sup> Variance, D<sup>3</sup> Variance for failing to meet conditional use requirements; C Variances to permit antennas mounted higher than building parapet, insufficient antenna setback, and insufficient rear yard setback at existing building. Preliminary and Final Site Plan approval required. A motion was made by Commissioner Montford and seconded by Commissioner Ruivo to approve this application with conditions. Motion carried 7-0. There were no objectors present.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated February 20, 2017.

- Antennas must include stealth enclosures and smoke stack shall be painted/treated to match the bricks.

Waiver Request from Article VIII, Section 1, Rules and Regulations of the Board of Adjustment By-Laws for ZBA-16-61, 350-358 Broad Street, for the suspension of Article 3, Section 10 to permit the applicant to file a new application upon its completion of plan revision. A motion was made by Commissioner Pringle Khalif and seconded by Commissioner Ruivo to grant a waiver from Article VIII. Motion carried 7-0.

**Memorialization**

ZBA-16-46    226-228 Sherman Avenue  
ZBA-16-62    56 Waydell Street

**Adjournment**

**Next Regular Meeting: March 09, 2017**