

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
SPECIAL HEARING
MARCH 16, 2017
COUNCIL CHAMBERS
7PM**

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

Roll Call

Commissioners Present

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

Commissioners Absent

Charles Auffant

Also Present

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

Agenda Items

Pending Applications:

Application: ZBA-16-68
Premises: 295 Lafayette Street
Ward: East
Applicant: Klever & Manuel Briceno
To Permit: In the MX1, Mixed Use Residential/Commercial District, proposed construction of a new two family dwelling with 2 tandem parking spaces. Project does not conform to bulk requirements. **Seeking C Variances for insufficient rear yard setback, exceeding maximum lot coverage, exceeding maximum impervious front yard area, insufficient building transparency on non-street facing side. Site Plan Approval not required. Noemio A. Vellozzi, Esq. and Jose Gennaro, R.A., Architect, 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. Motion carried 7-0.**

Application: ZBA-16-71
Premises: 468-498 Broad Street
Ward: Central
Applicant: Barcade Newark, LLC
To Permit: In the Broad Street Station, Sub District A, proposed occupation of an existing restaurant to be used as a barcade - a restaurant and bar that features token-operated video games for patron use. Commercial recreation is not permitted in this zone. **Seeking D¹ Use Variance. Site Plan Approval not required. Lisa John-Basta, Esq., Lance Blake, R.A., Architect, Christine A. Nazzarro-Cofone, Planner, and Paul Kermiziam, CEO and Co-founder of Barcade Newark, LLC appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Montford to approve this application. Motion carried 7-0.**

Application: ZBA-16-63
Premises: 425, 427 Chestnut Street
Ward: East
Applicant: 425-435 Chestnut St. Newark LLC
To Permit: In the MX1, Mixed Use Residential/Commercial District, proposed subdivision and realignment of two existing lots to create 3 lots. Existing public garage, auto sales and the two family dwelling to remain on site. Following the subdivision, existing two family dwelling on lot 51.03, 425 Chestnut Street, does not conform to the Zoning bulk regulations. Previous Variances granted for the public garage expired December 11, 2005. **Seeking D Variance for expansion of a non-permitted use**

for the existing public garage and auto sales; Post subdivision: D¹ Use Variance, C Variances for insufficient lot size, insufficient lot area per dwelling unit, exceeding maximum lot coverage on both lot 51.01 and 51.03, exceeding maximum impervious front and rear yard coverage on lot 51.03. Site Plan approval not required. Subdivision approval is required. **Fausto Simoes, Esq., and David Karlebach, PP, Planner, appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Pringle-Khalif to approve this application. Motion carried 7-0.**

Application: Res Judicata in regards to ZBA-16-73
Premises: 28-50 McWhorter Street
Ward: East
Applicant: 28 McWhorter Street, LLC
To Permit: In the R5, Mid-Rise Multifamily Residential District, res judicata hearing to consider revisions made to application ZBA-16-73 for proposed public surface parking lot to contain 162 spaces, control booth, enhanced lighting and landscaping at street frontages, in light of the NJ Supreme Court's decision in December 2016 to deny applicant's request for certification to appeal the Appellate Division's decision to vacate the 2012 variances granted by the Zoning Board of Adjustment. Paid public surface parking lots are not permitted in the R-5 zone. **Angelo Cifelli Jr, Attorney for the Board, Jennifer Carrillo-Perez, Attorney on behalf of the applicant, Lisa Scorsolini, Esq. on behalf of New Jersey Appleseed, Inc. representing Plan Newark, appeared before the Board. There were 20 objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Ruivo to adjourn this application. This application is adjourned to May 11, 2017. Re-notice is not required and statutory time period waived.**

Application: ZBA-16-73
Premises: 28-50 McWhorter Street
Ward: East
Applicant: 28 McWhorter Street, LLC
To Permit: In the R5, Mid-Rise Multifamily Residential District, proposed public surface parking lot to contain 162 spaces, control booth, enhanced lighting and landscaping at street frontages. Paid public surface parking lots are not permitted in the R-5 zone. **Seeking a D¹ Use Variance. Preliminary and Final Site Plan Approval is required. This application is adjourned to May 11, 2017. Re-notice is not required and statutory time period waived.**

Application: ZBA-16-60
Premises: 302-324 Springfield Avenue
Ward: Central
Applicant: T-Mobile Northeastern, LLC

To Permit: In the C-2, Community Commercial District, proposed installation of a stealth rooftop wireless telecommunication facility. Wireless telecommunication facilities are permitted as a conditional use in the C-2 zone. Project fails to meet conditional use requirements. **D³ Variance for failing to meet conditional use requirements. Preliminary and Final Site Plan Approval is required. Frank Ferraro, Esq., Peter Tardy, PE, Engineer, Adam Feehan, Radio Frequency Engineer, Christopher Nevill, PP, Planner, and Bridget Lombardozzi, Court Reporter, 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. Motion carried 7-0.**

Adjournment 8:46 PM

Next Regular Meeting: March 23, 2017