

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
APRIL 13, 2017  
COUNCIL CHAMBERS  
7PM**

The meeting was called to order at [7:12 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**

Terence Baine  
Barry Dobson  
Katiria Cobian  
Terry Pringle-Khalif  
Rose Marie Ruivo  
Charles Auffant, Chairman

**Commissioners Absent**

Charles N. Hall  
Wesley Jenkins  
Julius Montford

**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

### New Applications:

Application: ZBA-16-79  
Premises: 27-29 Napoleon Street  
Ward: East  
Applicant: Antonio Victor Rocha  
To Permit: In the R3, Third Residential District, proposed minor subdivision of existing lot to create two lots. The applicant proposes demolition of a garage on the existing lot to construct a new one family; existing two family to remain. Project does not conform to bulk regulations. **Seeking C Variances for the existing lot are as follows: insufficient lot size, and insufficient side yard setback, insufficient lot area per dwelling unit, exceeding maximum impervious rear yard, insufficient building transparency. Seeking C Variances for the proposed lot as follows: insufficient lot size, exceeding maximum impervious front yard, exceeding maximum impervious rear yard, insufficient building transparency on primary and rear façade. Site Plan Approval is not required. Subdivision approval is required. This application was withdrawn because Zoning Board of Adjustment has no jurisdiction over this application. There were no objectors present.**

Application: ZBA-16-80  
Premises: 130-132 N 11th Street  
Ward: West  
Applicant: The Lantana Urban Renewal, L.P.  
To Permit: In the R4, Fourth Residential District, applicant proposes to amend the final site plan previously approved July 12, 2012 to reflect a change in the mix of units. The applicant proposes an addition to an existing warehouse that will be converted into a residential building consisting of 16 units. No parking is proposed. Mid-rise multifamily dwellings are not permitted in the R4 zone. **Seeking a D1 Use Variance, D5 Variance for insufficient lot area per dwelling; C Variances to permit building type, , insufficient lot size, insufficient lot width, insufficient side yard setback, insufficient rear yard setback, exceeding maximum lot coverage and insufficient off-street parking. Amended Site Plan Approval required. Michael J. Oliveira, Esq., Joaquin Bouzas, R.A, Matthew Seckler, PE, Traffic Engineer, Joseph Portelli, Vice President of RPM Development Group, appeared before the board. There were three objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Baine to approve this application with conditions. Motion carried 6-0.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Reports dated April 4, 2017 and April 12, 2017
- Applicant agreed to comply with the directives from the Department of Engineering and the Division of Water/Sewer Utilities.
- Applicant agreed to submit a parking lease agreement with adjacent parking lot to provide 24 parking spaces.

- Applicant agreed to advise the Board of any progress of an agreement with adjacent parking lot to increase the number of parking spaces beyond 24 parking spaces.

Application: ZBA-16-81  
 Premises: 109-119 Broad Street  
 Ward: Central  
 Applicant: The Lantana Urban Renewal, L.P.  
 To Permit: In the R3 Third Residential District, applicant proposes to amend the final site plan previously approved by Central Planning Board March 5, 2012 to reflect an increase in units. The applicant proposes the construction of a 5 story building consisting now of 64 residential units and 69 parking spaces. Mid-rise multifamily dwellings are not permitted in the R3 zone. **Seeking a D<sup>1</sup> Use Variance; C Variances to permit building type, insufficient rear yard setback, exceeding maximum lot coverage. Amended Site Plan Approval required. Michael J. Oliveira, Esq., Joaquin Bouzas, R.A, Matthew Seckler, PE, PP., Traffic Engineer and Planner, Joseph Portelli, Vice President of RPM Development Group, Gerard Haizel, PP, Nishuane Group, appeared before the board. There were 17 objectors present. A motion was made by Commissioner Cobian and seconded by Commissioner Pringle-Khalif to deny this application. Motion carried 5 yes to deny - 1 no.**

Application: ZBA-16-75  
 Premises: 56 Ferguson Street  
 Ward: East  
 Applicant: T-Mobile Northeast, LLC  
 To Permit: In the Riverfront Public Access and Redevelopment Plan Area, Mixed Use 1 sub-district, proposed installation of a new FCC licensed rooftop wireless telecommunication facility consisting of nine panel antennas, appurtenances, and a GPS antenna. Wireless telecommunication facilities are permitted as a conditional use in the Mixed Use 1 sub-district of this plan. **Seeking a D Variance to permit antennas mounted higher than building parapet. Preliminary and Final Site Plan Approval is required. Frank Ferraro, Esq., Adam Feehan, Radio Frequency Engineer, David Collins, Radio Frequency Engineer, Nicholas Barile, PP., Professional Engineer, David Karlebach, PP, Professional Planner appeared before the board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Cobian to approve this application with conditions. Motion carried 6-0.**

- Applicant agreed to stealth rooftop antennas

Adjournment [10:08 PM](#)

Next Special Meeting: April 20, 2017

Next Regular Meeting: April 27, 2017