

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
FEBRUARY 27, 2014
COUNCIL CHAMBERS
7PM**

CHAIRPERSON MARGARET EL CALLED TO ORDER THE MEETING OF THE BOARD OF ADJUSTMENT BY READING THE "OPEN PUBLIC MEETING ACT".

ROLL CALL OF COMMISSIONERS:

PRESENT

**Charles Auffant
Terence Baine
Anton L. Lendor
Pedro Massieu
Julius Montford
Rose Marie Ruivo
Malik Arbubakrr
Margaret J. El**

ALSO PRESENT

**Ade Afolabi, Zoning Officer
N'dela Costley, Acting Board Secretary
Walford Ennis, Recording Secretary
Angelo Cifelli, Board Attorney**

NOT PRESENT

Oswaldo Geronimo

Pending Application:

1-14-A Ward: East
PREMISES: 307 Chestnut Street
APPLICANT: Maria Sousa
TO PERMIT: In the First Industrial District, renewal of an expired conditional use approval for an existing auto mechanic repair shop with no rear yard and no on-site parking. Project fails to meet the conditional use standards as stipulated in Title 40:4 of the Zoning Ordinance. Within 200' of a church. Seeking D³ Variance; C-Variations for no rear yard and no on-site parking. Preliminary and Final Site Plan approval required. Postponed January 9, 2014. Daniel A. Roma, Architect; Maria Sousa, Applicant and Jose DaSilva, Translator appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Lendor to approve this application with conditions. Motion carried 6-1. Site Plan approved 6-1.

- 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 recommendations outlined in the Planner's Report dated January 7, 2014.

New Applications:

3-14-A Ward: East
PREMISES: 20 ½ Lentz Avenue
APPLICANT: Maria E. Yglesias
TO PERMIT: In the Third Residential District, proposed 521 square foot addition to an existing single family dwelling on an undersized lot. Expansion of a legal non-conforming structure is prohibited. Seeking D² Variance and C Variations for insufficient lot size, insufficient front yard setback, exceeding maximum impervious lot coverage and insufficient parking. Rocco Di Paola, Attorney; Frank Tomaino, Architect and Maria Yglesias, Applicant appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Lendor to approve this application with conditions. Motion carried 7-0.

- 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 recommendations outlined in the Planner's Report dated February 4, 2014.

3-14-B
PREMISES:
APPLICANT:
TO PERMIT:

Ward: East
69 Merchant Street
Community Works II

In the Third Residential District, proposed 1,023 square foot addition to an existing two family dwelling. Expansion of a legal non-conforming structure is prohibited. Seeking D² Variance and C Variances for insufficient front yard, insufficient side yard, exceeding maximum impervious lot coverage and insufficient parking. Rocco Di Paola, Attorney; Frank Tomaino, Architect and Maria Yglesias, Applicant appeared before the Board. There was one objector present. A motion was made by Commissioner Ruivo and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.

- 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 recommendations outlined in the Planner's Report dated February 4, 2014.
- Applicant shall not remove the existing cherry tree in the rear yard.

3-14-C
PREMISES:
APPLICANT:
TO PERMIT:

Ward: West
124-130 Fairmount Avenue
Fairmount Senior Genesis Housing Urban Renewal Partnership, LLC

In the West Ward Redevelopment Plan Area, R2/R3 District proposed construction of a 4 story mixed use structure consisting of 1,500 square feet of commercial/retail space on the ground floor, 24 senior apartments on the second through fourth floors and 7 off street parking spaces. Project does not conform to the Zoning Regulations. Exceeds maximum permitted dwelling units and commercial uses not permitted in residential districts. Seeking D⁵ Variance; Use Variance; C Variances for insufficient parking, exceeding impervious lot coverage; insufficient front yard setback and sign variance. Preliminary and Final Site Plan approval required. Michael J. Oliveira, Attorney; Dave Karlebach, Professional Planner; William Parkhill, Engineer; Kurt Vierheilig, Architect and Paul Carter, Applicant appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Baine to approve this application with conditions. Motion carried 7-0. Site Plan Approved 7-0.

- 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 recommendations outlined in the Planner's Report dated February 5, 2014.
- Applicant agreed to have an unarmed guard on the premise for 12 hours a day.

3-14-D Ward: West
PREMISES: 107-117 Eleventh Avenue
APPLICANT: Fairmount Senior Genesis Housing Urban Renewal Partnership, LLC
TO PERMIT: In the West Ward Redevelopment Plan Area, R2/R3 District proposed construction of a 4 story mixed use structure consisting of a community center, a laundry room and management office on the ground floor and 39 residential units on the second thru fourth floors and 15 off street parking spaces. Project does not conform to the Zoning Regulations. Exceeds maximum permitted dwelling units and community centers not permitted in residential districts. Seeking D⁵ Variance; Use Variance; C Variances for exceeding impervious lot coverage; insufficient front, rear and side yard setback. Preliminary and Final Site Plan approval required. Michael J. Oliveira, Attorney; Dave Karlebach, Professional Planner; William Parkhill, Engineer; Kurt Vierheilig, Architect and Paul Carter, Applicant appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Baine to approve this application with conditions. Motion carried 7-0. Site Plan Approved 7-0.

- 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 recommendations outlined in the Planner's Report dated February 10, 2014.

Memorialization

2-14-A 490-498 Broad Street
2-14-B 714-728 Dr. Milk Jr. Blvd; 31-33 Longworth St; 34-42 Longworth St.
2-14-C 91-95 Halsey Street
2-14-D 606-612 Broadway
2-14-E 49 Hanford Street

Adjournment

Next Regular Meeting: March 13, 2014