

MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
MAY 22, 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
Osvaldo Geronimo (Late)
Anton L. Lendor
Julius Montford
Rose Marie Ruivo
Malik Arbubakrr
Margaret J. El

ALSO PRESENT

Ade Afolabi, Zoning Officer
Maria Hernandez, Acting Board Secretary
Walford Ennis, Recording Secretary
Allen Genitempo, Board Attorney

NOT PRESENT

Pedro Massieu

Pending Applications:

APPEAL NO: 7-14-A
WARD: South
PREMISES: 418-426 Carnegie Avenue
APPLICANT: Gilco Liberty Enterprises, LLC
TO PERMIT: In the Third Industrial District, partial demolition of an abandoned commercial structure and renovation to create a total of three commercial/retail tenants, one of which is a fast food restaurant with a drive thru. Project fails to meet the Conditional Use Standards as stipulated in Title 40:4-8, d(b). Parking and traffic circulation plan does not conform. **Seeking D³ Variance; Preliminary Site Plan approval required. Postponed April 10, 2014. A motion was made by Commissioner Montford 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 Staff Report dated April 3, 2014.

APPEAL NO: 7-14-C
WARD: East
PREMISES: 20-26 Bruen Street
APPLICANT: Nino Perira
TO PERMIT: In the First Industrial District, proposed creation of a paid public parking lot with 75 parking spaces. Paid Public Parking Lots are prohibited in I1 Zone. **Seeking D' Use Variance; Sign Variance and Lighting Variance. Preliminary and Final Site Plan approval required. Postponed April 10, 2014. The applicant's attorney requested an adjournment to allow more time to address community concerns. There were 20 objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Ruivo to adjourn this application to July 10, 2014. Motion carried 7-0.**

New Applications:

APPEAL NO: 9-14-A
WARD: South
PREMISES: 963-991 Frelinghuysen Avenue
APPLICANT: Comprehensive Wireless LLC
TO PERMIT: In the First Industrial District, proposed installation of antennas and equipment on an existing multi-family building. Project does not conform to the Conditional Use Standards. Antennas and poles must be mounted on a

flat surface; mounting height cannot exceed 12 feet measured from the edge of the surface. **Seeking D³ Variance for failure to meet conditional use standards. C Variances for wall projection, not flush mounted and not camouflaged.** The applicant's attorney requested an adjournment in to present additional photo simulations. A motion was made by Commissioner Baine and seconded by Commissioner Auffant to adjourn this application to July 10, 2014. Motion carried 7-0.

APPEAL NO:
WARD:

9-14-B
South
177-277 Lyons Avenue
Beth Israel Medical Center
Newark Beth Israel Redevelopment Plan Area/Third Residential District, proposed installation of a wireless communications facility including nine panel antennas on top of an existing ten story medical facility. Antennas are prohibited in the Newark Beth Israel Redevelopment Plan Area/ R3 District. **Seeking a D' Use Variance. A motion was made by Commissioner Baine and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated May 14, 2014.

APPEAL NO:
WARD:
PREMISES:
APPLICANT:
TO PERMIT:

9-14-C
Central
363-383 Dr. Martin Luther King Jr. Blvd
CN Communications Int'l Inc.
In the Third Residential District, proposed installation of a two-faced internally lit projecting exterior blade sign on the university building. The sign does not conform to Title 40:10 of the Sign Regulations. Signage shall be no more than 4 feet from building face; proposed sign is 6.5 feet from building face. Projected signs are prohibited and illuminated signs are not permitted in residential districts. **Seeking C variances for a projecting sign, sign setback from building face and illuminated sign. A motion was made by Commissioner Geronimo and seconded by Commissioner Montford to approve this application. Motion carried 7-0.**

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated April 17, 2014.

Adjournment

Next Regular Meeting: June 12, 2014