

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
JUNE 12, 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
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

**Terence Baine
Osvaldo Geronimo**

New Applications:

Appeal No: 10-14-A
Ward: East
Premises: 116 Wright Street
Applicant: Educated Mind Investment, LLC
To Permit: In the Fourth Residential District, proposed interior alterations and addition to an existing three story mixed use structure. The ground floor will be used as a scooter rental store and the second and third floor will be comprised of one residential unit. Commercial use is prohibited in the R4 district. **Seeking D(1) Use Variance; C Variance for insufficient lot area, lot width, front yard setback, rear yard setback and insufficient parking.** Wanda Nieves, Esq., Daniel Roma, Architect; Edwin Devia, Applicant and Dave Karlebach, Professional Planner 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 a three year time limit.
- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated June 11, 2014.
- Retail sales of scooters are not permitted.
- No mechanical repairs on site.
- No storage of paint, chemicals, oil, etc. on site.
- No more than fifteen scooters are permitted on site.
- Signage is not permitted.

Appeal No: 10-14-B
Ward: East
Premises: 86 Elm Road
Applicant: EIM Associates LLC
To Permit: In the Second Business District, proposed three story rear addition and interior alterations to an existing five family dwelling. Project does not meet the requirements of the Zoning Regulations. Exceeds maximum permitted units. **Seeking D(5) Variance for exceeding permitted density. C Variances for insufficient lot area, lot depth, front yard and rear yard setback and no off street parking , depressed curb width.** Preliminary and Final Site Plan approval required. Fausto Simoes, Esq., Rui Amaral, Architect, J. DeRosa, Applicant and Jerome Eben, Professional Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Massieu to approve this application with conditions. Motion carried 7-0. Preliminary and Final 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 recommendations #1-12 outlined in the Planner's Staff Report dated June 11, 2014.

Appeal No. 10-14-C
 Ward: Central
 Premises: 192 Market Street
 Applicant: GCL 192 Market Street
 To Permit: In the Fourth Business District, proposed conversion of a commercial building into a mixed use building with one commercial unit and one retail unit on the ground floor and 12 studio units on the second thru twelfth floors. Project exceeds permitted density and does not conform to the bulk requirements as stipulated in the redevelopment plan. Seeking D(5) Variance for exceeding permitted dwelling units, C Variances for insufficient lot area, lot width, side yard, rear yard, min ground level floor to floor height. Preliminary and Final Site Plan approval required. Marsha Moore, Esq., Russell DeRosa, Architect and Dave Karlebach, Professional Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Auffant and seconded by Commissioner Massieu to approve this application with conditions. Motion carried 7-0. Preliminary and Final 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 Staff Report dated June 3, 2014.

Appeal No: 10-14-D
 Ward: South
 Premises: 324-332 Frelinghuysen Avenue
 Applicant: CBS Outdoor LLC
 To Permit: In the Second Industrial District, proposed conversion of an existing double faced static billboard into a double faced multi message digital billboard. Alteration of a legal non-conforming sign is prohibited. Seeking D(2) Variance. Due to a deficient public notice, the application cannot be heard and the applicant must re-notice. A motion was made by Commissioner Auffant and seconded by Commissioner Ruivo to postpone this application to August 14, 2014.

Memorialization

- 7-14-A 418-426 Carnegie Avenue
- 9-14-B 177-201 Lyons Avenue
- 9-14-C 363-383 Dr. MLK Jr. Blvd

Adjournment

Next Regular Meeting: June 26, 2014