

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
OCTOBER 23, 2014
COUNCIL CHAMBERS
7PM**

OPEN PUBLIC MEETINGS ACT

ROLL CALL OF COMMISSIONERS

PRESENT

**Terence Baine
Bertha A. Freeman
Charles N. Hall
Anton L. Lendor
Rose Marie Ruivo
Charles Auffant**

ALSO PRESENT

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

NOT PRESENT

**Robert Foster
Julius Montford**

NEW APPLICATIONS

Appeal No: 15-14-B
Ward: East
Premises: 64 Waydell Street
Applicant: Carlos & Maria Tavares
To Permit: In the First Industrial District, construction of a new two family dwelling on a 2,481 square foot lot. Project does not conform to the Zoning Regulations. **Seeking C Variances for insufficient lot size and impervious lot coverage. The applicant requested an adjournment and was not able to appear. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Ruivo to adjourn this application to December 11, 2014. Motion carried 6-0.**

Appeal No: 15-14-E
Ward: East
Premises: 418-428 Market Street
Applicant: TD Bank, N.A.
To Permit: A one year extension of final site plan approval to construct a 2,943 square foot bank with four detached drive-thru lanes and 25 parking spaces in the First Industrial District. Drive-thru lanes are prohibited in the I1 District. The BOA granted a Use Variance; C Variances for internally illuminated signs, exceeding the maximum number of signs, exceeding the 50 square feet maximum for signage and Preliminary and Final Site Plan approval. On October 11, 2012 and the decision was memorialized October 25, 2012. Applicant is also seeking Amended Final Site Plan approval to reduce the building by approximately 400 square feet and a reduction in the size of the proposed signage. **The applicant requested an adjournment in order to meet with the Division of Planning. A motion was made by Commissioner Baine and seconded by Commissioner Ruivo to adjourn this application to November 13, 2014. Motion carried 6-0.**

Appeal No. 15-14-A
Ward: North
Premises: 505-511 Summer Avenue
Applicant: Santos & Alba Valladolid
To Permit: In the Second Residential District, removal of one year time limit for the legalization of a third commercial unit in an existing non-conforming commercial structure. The Board of Adjustment granted Preliminary and Final Site Plan approval and Variances for expanding a non-conforming structure, insufficient front, rear and side yard and no onsite parking July 11, 2013. **William Agrait, Esq., Pedro Campos Architect and Diego Valladolid appeared before the Board. There was one supporter present. A motion was made by Commissioner Lendor and seconded**

by Commissioner Hall to remove the one year time limit. Motion carried 6-0.

Appeal No: 15-14-D
Ward: West
Premises: 93-101 14th Avenue
Applicant: New Community Corporation
To Permit: A one year extension of final site plan approval to construct a Shelter (multi-residence permanent supportive housing for formerly homeless persons) in the Second Business District and Third Residential District. The BOA granted a Use Variance, C-Variations for insufficient side yard setbacks and Preliminary & Final Site Plan approval on October 25, 2012 and the decision was memorialized November 10, 2012. Douglas Angoff, Esq., appeared before the Board. A motion was made by Commissioner Lendor and seconded by Commissioner Baine to grant a one extension of time on the site plan approval. Motion carried 6.0.

Appeal No: 15-14-C
Ward: East
Premises: 253-255 Ferry Street
Applicant: Haydee Soares
To Permit: In the Second Business District, expansion of an existing restaurant by converting the attached garage into open seating for the restaurant. The four residential units will remain. Project does not conform to the Zoning Regulations. Seeking C Variations for no onsite parking, insufficient front, rear and side yard setback. Bette R. Grayson, Esq., Andrew Monque, Architect, and Mrs. Soares, Applicant and Eduardo Lesmon, Grandson appeared before the Board. There were 10 objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Lendor to Deny this application. Motion carried 5-1.

Memorialization

82 Pennington Street
110 New York Avenue
553-567 Orange Street
63-97 Blanchard Street

Adjournment

Next Special Hearing: October 30, 2014:

Presentation on the new Newark Zoning and Land Use Regulations

Next Regular Meeting: November 13, 2014