

MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
JULY 9, 2015
COUNCIL CHAMBER
7PM

OPEN PUBLIC MEETINGS ACT

ROLL CALL OF COMMISSIONERS

PRESENT

Terence Baine
Andrea Bryant
Katiria Cobian
Barry E. Dobson
Charles N. Hall
Anton L. Lendor
Rose Marie Ruivo
Charles Auffant, Chairman

ALSO PRESENT

N'dela Costley, Acting Board Secretary
Walford Ennis, Recording Secretary
Angelo Cifelli, Board Attorney

ABSENT

Julius Montford

Pending Applications:

Application: ZBA-15-13
Ward: Central
Premises: 352-358 Springfield Avenue
Applicant: TD Bank, N.A.
To Permit: In the C2 Community Commercial District, proposed installation of a one-lane remote drive-thru and ATM, which is not permitted in the zone. Seeking a D' Use Variance; C Variances for lighting, illumination and exceeding permitted fence height. A waiver for violating the buffer requirements. Postponed April 23, 2015 and May 28, 2015. Preliminary and Final Site Plan approval is required. The applicant requested an adjournment to address the issues outlined in the planner's report. There were seven objectors present. Adjourned to August 13, 2015.

Application: ZBA-15-18
Ward: Shiloh Apostolic Church Living Word Center Inc
Premises: 413-427 S. 17th Street
Applicant: Shiloh Baptist Church
To Permit: In the Third Residential District, proposed House of Worship with meeting rooms and offices. Failure to meet conditional use requirements. Seeking D Variance for buffer requirements and c variances for minimum front and rear yard setback, transparency and impervious coverage. Preliminary and Final Site Plan approval is required. Postponed May 28, 2015. Steven Hambro, Esq., Pedro Campos, Architect, Gary Welsh, Pastor and Dave Karlebach, Principal Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Baine 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 May 22, 2015 and July 8, 2015.

New Applications:

Application: ZBA-15-21
Premises: 1385-1399 McCarter Hwy
Applicant: Anselmo & Maria Pereira
To Permit: In the Newark Riverfront Redevelopment Plan Area, Mixed Use District, proposed merger of lots 1, 3, 4 and 5 into one lot for the new construction of a Dunkin Donuts restaurant with drive thru and the existing auto sales

office and car sales lot to remain. Project does not conform to the requirements as outlined in the Redevelopment Plan. Seeking a D¹ Use Variance for the drive thru. C Variances for insufficient side yard, insufficient rear yard, less than required height, insufficient parking, exceeding driveway width and exceeding maximum front yard setback. Preliminary & Final Site plan approval is required. The applicant requested an adjournment to a Special Public Hearing on July 21, 2015. There were no objectors present.

Application: ZBA-15-23
Premises: 26 Komorn Street
Applicant: Julio Pereira
To Permit: In the Third Residential District, proposed construction of a new two family dwelling on a 2,000 sq. ft. lot. Project does not meet the requirements of the Zoning and Land Use Regulation. Seeking a C Variances for insufficient minimum lot area per dwelling, insufficient lot size and insufficient lot width. Fausto Simoes, Esq., and Daniel Roma, Architect appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Hall to approve this application with conditions. Motion carried 7-0.

- Applicant must file a deed restriction for a two family.

Application: ZBA-15-41
Premises: 16-24 Prince Street & 13-21 Broome Street
Applicant: Metropolitan Senior Housing, LLC
To Permit: In the Third Residential District, proposed construction of a new four story senior residential building consisting of 58 residential units and 26 ground level parking spaces. Multi-family residential is not permitted in R3 Zone. Seeking a D¹ Use Variance; D⁵ Density Variance; C Variances for insufficient front and rear yard setback, insufficient parking, exceeding maximum lot coverage and maximum impervious rear yard. Preliminary and Final Site Plan approval required. The applicant requested an adjournment to a Special Public Hearing on July 21, 2015. There were nine objectors present.

Memorialization

**9-39 McClellan Street
189-215 Springfield Avenue
204 Bloomfield Avenue**

Next Special Meeting: July 21, 2015

Next Regular Meeting: August 13, 2015