

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
SEPTEMBER 10, 2015
COUNCIL CHAMBER
7PM**

Open Public Meetings Act

Roll Call

Present

Andrea Bryant
Katiria Cobian
Charles N. Hall
Julius Montford
Rose Marie Ruivo
Charles Auffant, Chairman

Also Present

N'dela Costley, Acting Board Secretary
Maria Hernandez, Recording Secretary
Angelo Cifelli, Board Attorney

Absent

Terence Baine
Barry E. Dobson

Communications

Anton L. Lendor resigned from the Board effective September 9, 2015.

Requests for withdrawals or postponements

None

Hearing of scheduled cases

New Applications:

Application: ZBA-15-30
Ward: Central
Premises: 79 Broad Street
Applicant: M&M Development LLC
To Permit: In the R3 Third Residential District, proposed conversion of an existing single family dwelling into a two family dwelling. Project does not conform to the zoning regulations. **Seeking C Variances for no on- site parking. Marsha Moore, Esq. and Joaquin Bouzas, Architect appeared before the Board. There were no objectors present. A Motion was made by Commissioner Ruivo and Seconded by Commissioner Montford to approve this application. Motion carried 6-0.**

Application: ZBA-15-31
Premises: 250 Mount Pleasant Avenue
Ward: Central
Applicant: M&M Development. LLC
To Permit: In the Riverfront Public Access and Redevelopment District, proposed conversion of an existing single family dwelling into a two family dwelling. Project does not conform to the redevelopment plan. **Seeking C-Variance for impervious front yard. Marsha Moore, Esq. and Joaquin Bouzas, Architect appeared before the Board. There were no objectors present. A Motion was made by Commissioner Montford and Seconded by Commissioner Cobian to approve this application with conditions. Motion carried 6-0.**

- **Applicant agreed to comply with the conditions outlined in the Planner's Staff report dated August 14, 2015.**

Application: ZBA-15-32
Premises: 252 Mount Pleasant Avenue
Ward: Central
Applicant: M&M Development. LLC.
To Permit: In the Riverfront Public Access and Redevelopment District, proposed conversion of an existing single family dwelling into a two family dwelling. **Seeking C-Variance for impervious front yard. Marsha Moore, Esq. and Joaquin Bouzas, Architect appeared before the Board. There were no objectors present. A Motion was made by Commissioner Hall and Seconded by Commissioner Bryant to approve this application with conditions. Motion carried 6-0.**

- **Applicant agreed to comply with the conditions outlined in the Planner's Staff report dated August 14, 2015.**

Application: ZBA-15-29
Premises: 333-339 Elizabeth Avenue
Ward: South
Applicant: Ventura Motors Inc.
To Permit: In the C3 Regional Commercial District, proposed add accessory tire repair use to the existing mechanical auto repair. Project fails to meet the conditional use requirements. Exceeds permitted number of driveways. **Seeking D³ Variance; C Variances for insufficient front and side yard setback; max. impervious front yard, min. building transparency street facing, min. building transparency rear/side yard facing and insufficient parking.** Fausto Simoes, Esq.; Jose Gennaro, Architect; Darren Diaz, Owner Rep and Dave Karlebach, Professional Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Montford to approve this application with conditions. Motion carried 6-0. Preliminary and Final Site Plan approved 6-0.

- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated September 2, 2015.
- Applicant agreed to comply with the comments from the Dept. of Engineering and the Division of Water/Sewer Utilities.
- Roof mounted sign is not permitted.
- No auto or tire repairs in front of the building.
- No storage of parts/tires outside of building.
- No parking on public right of way.

Application: ZBA-15-39
Premises: 119-127 Lincoln Avenue
Ward: North
Applicant: Verizon Wireless
To Permit: In the R3 Third Residential District, proposed installation of rooftop wireless telecommunication facility consisting of 12 panel antennas, equipment cabinets, and a back-up generator. Project does not conform to the Zoning Regulations. Antennas not permitted in residential district. **Seeking a D¹ use Variance; C Variances for building height less than 55' tall; antennas not flush mounted; antenna not setback 8' from roof edge; equipment not setback 8' from roof edge.** Frank Ferraro, Esq., Cleovonne St. Hillaire, RF Engineer; Dave Karlebach, Principal Planner; Michael Fisher, RF Safety Engineer and Gary Lucas, Professional Engineer. A motion was made by Commissioner Ruivo and seconded by Commissioner Cobian to approve this application. Motion carried 6-0.

Memorialization

ZBA-15-23 26 Komorn Street
ZBA-15-18 413-427 S. 17th Street