

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
NOVEMBER 19, 2015
COUNCIL CHAMBER
7PM**

Open Public Meetings Act

Roll Call

Present

Terence Baine

Katiria Cobian

Denise Cook

Barry Dobson

Charles Hall

Julius Montford

Terry Pringle-Khalif

Charles Auffant, Chairman

Also Present

N'dela Costley, Board Secretary

Ade Afolabi, Zoning Officer

Maria Hernandez, Recording Secretary

Angelo Cifelli, Board Attorney

Mark Barksdale, Director of Planning

Absent

Rose Marie Ruivo

Communications

None

Agenda Items

Pending Applications:

Application: ZBA-15-42
Premises: 452-454 Avon Avenue
Ward: South
Applicant: Flor Rohr
To Permit: In the R3 Third Residential District, proposed conversion of a vacant commercial building into a childcare facility. Project fails to meet the conditional use bulk requirements and on-site circulation requirements. **Seeking D³ Variance for failing to meet the conditional use requirements; C Variances for insufficient rear yard setback, exceeding maximum impervious yard coverage and insufficient parking. Preliminary and Final Site Plan approval required. Postponed October 22, 2015. Fausto Simoes, Esq., Joaquin Bouzas, Architect and Flor Rohr appeared before the Board. There were two objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Baine 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 Division of Water/Sewer Utilities.
- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated November 10, 2015.
- A security guard shall be on the premises.
- Two attendants will provide traffic safety outside the facility in the morning and in the evening.
- Foot candles will be extended to S. 17th Street.
- Light shields will be installed to avoid spill over.

Application: ZBA-15-48
Premises: 19-33 Fenwick Street
Ward: South
Applicant: Greenbranch Recovery LLC
To Permit: In the EWR-S Airport Support District, proposed alcohol & drug rehabilitation and counseling for adults center. The proposed use is not permitted in the EWR Airport Support Redevelopment Plan. **Seeking D Variance; Seeking C Variance for insufficient front yard, insufficient side yard, minimum building transparency, orientation of primary entrance, maximum impervious coverage, insufficient parking. Preliminary and Final Site Plan approval required. Postponed October 8, 2015. Fausto Simoes, Esq., Darryl Alvarez, Engineer, Tom Reichert, Program Analysis and Joseph Staigar, Planner and Traffic Engineer appeared before the Board. There were 22 objectors present and 20 proponents present. A motion was made by Commissioner Montford and seconded by Commissioner Hall to Deny this application. Motion carried 7-0.**

Application: ZBA-15-53
Premises: 353-357 Park Avenue
Ward: West
Applicant: Vertical Fields Capital, LLC

To Permit: In the R4 Fourth Residential District, proposed six story addition to an existing storage facility. Expansion of a non-permitted structure is prohibited. **Seeking D² Variance; C Variances for exceeding maximum lot coverage; maximum building height; minimum front yard setback; maximum impervious yard area; front yard and rear yard setback and minimum building transparency for front, side, non-street facing facade. Preliminary and Final Site Plan approval required. Postponed November 12, 2015. Michael Oliveira, Esq., Joseph Spetaro, Architect and Frederic McCarthy, Applicant and Josph Janiee, Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0. Preliminary and Final Site Plan approved 7-0.**

- Applicant agreed to comply with directives from the Dept. of Engineering and the Division of Water/Sewer Utilities.
- Applicant agreed to comply with the recommendations outlined in the Planner's Staff Report dated November 5, 2015.
- Use is limited to Self-Storage only. The moving truck use will be removed.

Application: ZBA-15-57

Premises: 797- 829 Doremus Avenue

Ward: East

Applicant: Interport Maintenance Co. Inc.

To Permit: In the Third Industrial District, proposed replacement and combination of an office and maintenance building, re-configuration of outdoor intermodal container storage and on-site circulation for intermodal container rental, sales, repair and outdoor storage facility. Project fails to meet the Conditional Use requirements; **Seeking a D³ Variance; C Variances for outdoor storage area in the front and side yards; exceeding permitted fence height; insufficient landscaping; dumpster without screening; and a waiver for no loading spaces. Preliminary and Final Site Plan approval required. Postponed November 12, 2015. Nancy Lottinville, Esq., Mr. Bernstein, Applicant, Michael Textores, Engineer and John McDonough 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. Preliminary and Final Site Plan Approval 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 November 2, 2015.

Next Regular Meeting: December 10, 2015

Adjournment