

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
SEPTEMBER 08, 2016
COUNCIL CHAMBER
7PM**

Open Public Meetings Act

Roll Call

Present

Terence Baine
Katiria Cobian
Denice Cook
Barry Dobson
Charles N. Hall
Rose Marie Ruivo
Julius Montford
Terry Pringle-Khalif
Charles Auffant, Chairman

Also Present

Mark Barksdale, Director of Planning
Angelo Cifelli, Board Attorney
Maria Hernandez, Recording Secretary
Gerard Haizel, Planning Consultant
Nana Jumah, Acting Board Secretary

Agenda Items

[New Applications:](#)

Application: ZBA-16-53
Premises: 4-70 Littleton Ave
Ward: West
Applicant: GKV Preservation Partnership, L.P.
To Permit: In the R6; High-Rise Multi-Family District, replacement of existing 6 foot security fence with similar 8 foot security fence. **Seeking C Variance for exceeding maximum fence height. Marsha Moore, Esq., John Inglese, Architect, Hector Corchado, Chief of Security, Josh Weisstuch, the property owner, appeared before the board. There were five supporters and one objector present. A**

motion was made by Commissioner Hall and seconded by Commissioner Cook to approve this application with conditions. Motion carried 7-0.

- Applicant agreed to comply with the comments outlined in the Planner's Staff Reports dated August 31, 2016
- Applicant agreed to comply with the directives from the Dept. of Engineering.
- Applicant agreed to submit emergency evacuation report to the office of planning.

Application: ZBA-16-35
Premises: 198-208 First Avenue
Ward: North
Applicant: Luciano Calandra/Calandra's Italian & French Bakery
To Permit: In the C2; Community Commercial District, one story addition to an existing two story building consisting of two stores and four apartments to be used for storage and preparation area for the bakery. Project area is 2,304 sq. ft. The C2 zone does not permit wholesale bakery except by conditional use. This project does not meet the conditional use requirements. **Seeking a D³ Variance for failing to meet the conditional use requirements; C Variance for insufficient rear yard, exceeding maximum lot coverage, exceeding maximum impervious rear yard area, insufficient building facade transparency and insufficient off-street parking. Minor Site Plan approval required. Michael Oliveira, Esq., Daniel A. Roma, Architect, Joseph Staigar, Planner, Anthony Calandra, son of the owner, 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 agreed to comply with the comments outlined in the Planner's Staff Report dated August 19, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

Application: ZBA-16-27
Premises: 353 Elm Street
Ward: East
Applicant: Michael Cunha
To Permit: In the R3; Third Residential District, legalization of an existing four (4) family dwelling. Four family dwellings are prohibited in the R3 zone. **Seeking a D¹ Use Variance, Seeking a D⁵ Variance for insufficient lot area per dwelling; C Variance to permit building type, insufficient lot width, insufficient lot area, excessive side yard setbacks, insufficient building transparency, insufficient off-street parking spaces, exceeding maximum height requirement, excessive front yard imperious coverage. Preliminary and Final Site Plan Approval required. . Fausto Simoes, Esq., appeared before the board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to adjourn this application to October 27, 2016.**

Application: ZBA-16-12
Premises: 151 Twelfth Avenue
Ward: West
Applicant: Alaaka Association of NJ
To Permit: In the R3; Third Residential District, change of use from commercial building into a House of Worship. Project fails to meet the Conditional Use Requirements for the buffer and collector/arterial streets. **Seeking a D³ Variance for failing to meet conditional use requirements; C Variances for insufficient building transparency, insufficient lot size, insufficient lot width, insufficient rear yard and front yard setback, exceeds maximum height, excessive lot coverage, excessive impervious front and rear yard, and lastly less than required off-street parking. Preliminary and Final Site Plan approval is required. Marsha Moore, Esq., Babatunde Adewunmi, Architect and Engineer, Mr. Eadatunde, the applicant, appeared before the board. There were no objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Hall to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report August 19, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Application: ZBA-16-48
Premises: 94-106 Polk Street
Ward: East
Applicant: JV Construction & Development, LLC
To Permit: In the R4; Fourth Residential zone, demolition of an existing industrial building and construction of a four-story mixed use structure which will include three-stories of residential units above one-story parking. The project will include 42 dwelling units and 42 parking off-street parking spaces. The proposed development does not meet the standards of the R-4 Zone. **Seeking a D⁵ Variance for insufficient lot area per dwelling; Seeking C Variances for insufficient rear yard setback, exceeding maximum lot coverage, insufficient side façade transparency, and a design Fausto Simoes, Esq., Daniel A. Roma, Architect, Joseph Staigar, Traffic Engineer and Planner, Jerry Becchio, the owner and applicant, appeared before the board. There were thirteen supporters and five objectors present. A motion was made by Commissioner Cobian and seconded by Commissioner Ruivo to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report August 29, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Application: ZBA-16-44

Premises: 199-203 Wilson Avenue
Ward: East
Applicant: Lawrence Friscia Sr.
To Permit: In the I1; Light Industrial District, interior alterations to an existing machine shop to be used as an office building. Offices as a primary use are not permitted in the I1 zone. **Seeking a D¹ Use Variance; C Variances for excessive side yard setbacks, insufficient building transparency (street facing and primary front façade) , excessive driveway width, insufficient street trees, less than required shade trees for parking lot. Preliminary and Final site plan approval required. Lawrence Friscia, Jr., Esq., Daniel A. Roma, appeared before the board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Pringle-Khalif to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report August 29, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Memorialization

| | |
|-----------|-------------------------|
| ZBA-15-66 | 92-94 Washington Street |
| ZBA-15-60 | 19-21 Gareis Street |
| ZBA-16-10 | 113 ½ Summer Avenue |
| ZBA-16-11 | 278 East Kinney Street |
| ZBA-16-29 | 62 Isabella Avenue |

Adjournment