

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
SEPTEMBER 22, 2016
COUNCIL CHAMBER
7PM**

Open Public Meetings Act

Roll Call

Present

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

Also Present

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

Agenda Items

New Applications:

Application: ZBA-16-36
Premises: 171 McWhorter Street
Ward: East
Applicant: Delicias De Minas Restaurant LLC
To Permit: In the MX-1 Mixed Use Residential/Commercial District, proposed demolition of an existing one story structure and construction of a new two family dwelling. Project does not conform to the bulk regulations. **Seeking a C Variance for insufficient lot size, insufficient lot width, insufficient lot area per dwelling, insufficient rear yard, exceeding impervious lot coverage and exceeding more than two cars parked in tandem formation. No Site Plan approval required.**
Marsha Moore, Esq., Martha Brazoban, Architect, Windle Fernandez Coraa,

the applicant, and Jose Cardenas, interpreter for the applicant, appeared before the board. There were three objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Baine to deny this application. Motion carried 6-1.

Application: ZBA-15-59
Premises: 196-198 N. Seventh Street
Ward: Central
Applicant: Felix and Virgenmina Rodriguez
To Permit: In the R3; Third Residential District, proposed conversion of two family dwelling into one apartment on first floor and rooming house on second and third floors for a total of ten (10) rooms. Rooming houses are not permitted in the R3 zone. Project does not meet the bulk requirements of the Zoning Regulations. **Seeking a D¹ Use Variance; C Variances for exceeding impervious rear yard and front yard area, insufficient building transparency, insufficient parking. 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 Dobson and seconded by Commissioner Pringle-Khalif to adjourn this application to October 13, 2016. The time limit has been waived.**

Application: ZBA-16-17
Premises: 927-933,935 S. Eighteenth Street
Ward: South
Applicant: Aderemi Afolabi/Redeemed Christian Church of God Dominion Hope of Glory
To Permit: In the R2, Second Residential District, proposed renovation and conversion of a vacant commercial building into a House of Worship. Places of Worship are permitted as a conditional use in the R2 zone. Project does not meet the conditional use requirements for buffer/landscape. **Seeking D³ Variance for failing to meet conditional use requirements; C Variances for exceeding maximum building height, exceeding permitted front yard area, insufficient rear yard setback, exceeding maximum lot coverage, exceeding maximum impervious yard, insufficient façade transparency; primary entrance not on street facing façade, insufficient off street parking spaces, not meeting buffer and landscape requirements, and a design waiver to allow narrow driveway. Preliminary and Final Site Plan Approval required. Michael J. Cavallaro, Esq., Babatunde Adewunmi, the Planner and Architect, Aderemi Afolabi, applicant, appeared before the board. There were two objectors and approximately forty supporters 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 comments outlined in the Planner's Staff Report dated September 14, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and Department of Water & Sewer.

- Applicant agreed to comply with City’s zoning building transparency requirement.
- Applicant agreed to comply with City’s Planner fence design outlined in report.
- Final approval contingent on final drawings being deemed compliant by planning staff.

Application: ZBA-16-43
 Premises: 114,116 Madison Street
 Ward: East
 Applicant: New Madison & Monroe Properties LLC
 To Permit: In the MX-1, Mixed Use Residential/Commercial District, proposed demolition of two existing single family homes, merger of two lots and construction of a new low rise multifamily residential building consisting of nine units. Proposed project does not meet the bulk requirements of the Zoning Regulations. **Seeking a D⁵ Variance to allow lesser square footage per dwelling unit; C Variances for insufficient lot size, insufficient lot width, insufficient side and rear yard, excessive lot coverage, insufficient building transparency; exceeding maximum allowed fence height, insufficient off street parking spaces. Preliminary and Final Site Plan Approval required. Fausto Simoes, Esq., Joaquin Bouzas, Architect, John McDonough, Planner, appeared before the board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Hall to approve this application with conditions. Motion carried 5-2.**

- Applicant agreed to comply with the comments outlined in the Planner’s Staff Report September 14, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

Application: ZBA-16-33
 Premises: 115-121 Highland Avenue
 Ward: North
 Applicant: Lexi Property Holdings LLC
 To Permit: In the R3, Third Residential District, proposed legalization of four (4) two-family homes. Applicant proposes to legalize basement apartments in each town home. Project does not meet the bulk requirements of the Zoning Regulations. **Seeking a D⁵ Variance to allow lesser square footage per dwelling unit ; Seeking C Variances for insufficient lot area, insufficient lot width, insufficient side yard, exceeding impervious lot coverage, insufficient front façade transparency, and insufficient off street parking spaces. 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 Baine and seconded**

by Commissioner Ruivo to adjourn this application to November 10, 2016.
The time limit has been waived.

Application: ZBA-16-50
Premises: 337-355 Roseville Avenue
Ward: West
Applicant: North Ward Center, Inc.
To Permit: In the R3, Third Residential District, applicant proposes to convert a portion of the existing child care center to be used as a training center for autistic adults. 21 parking spaces to remain. Specialized and/or vocational schools are prohibited in R3 zone. **Seeking a D¹ Use Variance; C Variances for excessive front yard coverage, excessive side yard, insufficient rear yard, excessive impervious rear yard, exceeding maximum allowed fence height. Preliminary and Final Site Plan approval required. Michael J. Oliveira, Esq., Darrell Alvarez, Architect, Sung Yi, Chief Financial Officer of the North Ward Center, appeared before the board. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report September 14, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering.

Memorialization

ZBA-16-53	4-70 Littleton Avenue
ZBA-16-35	194-208 First Avenue
ZBA-16-12	151-153 Twelfth Avenue
ZBA-16-44	199-203 Wilson Avenue
ZBA-16-48	94-106 Polk Street

Adjournment