

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
OCTOBER 13, 2016
COUNCIL CHAMBERS
7PM**

The meeting was called to order by the Chairman at 7:08pm with the reading of the Open Public Meetings Act

Roll Call

Present

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

Also Present

**Mark Barksdale, Director of Planning
Ade Afolabi, Zoning Officer
Angelo Cifelli, Board Attorney
Nana Jumah, Acting Board Secretary
Walford Ennis, Recording Secretary
Gerard Haizel, Planning Consultant**

Agenda Items

Pending Applications:

Application: ZBA-16-1
Premises: 472-482 Bloomfield Avenue
Ward: North
Applicant: Jersey Fuel, LLC
To Permit: In the C2 community commercial district proposed new construction of a two story building with convenience store on the first floor and offices on the second floor as an accessory to an existing gasoline station. Convenience stores and offices are not

permitted as accessory uses in the C2 zone. Gas stations are not permitted in the C2 zone. Project does not meet requirements of the Zoning Regulations. **Seeking a D¹ Use Variance, D² Variance for expansion of a non-conforming use; C Variances for exceeding maximum front yard setback, insufficient rear yard setback, exceeding maximum lot coverage, exceeding maximum impervious rear yard area and insufficient parking. Preliminary and Final Site Plan approval required. The attorney for this application unable to appear and has requested an adjournment in writing. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Pringle-Khalif to adjourn this application to December 08, 2016. Statutory time period waived and no new notice required.**

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 a 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 requirements of the Zoning Regulations. **Seeking a D¹ Use Variance; C Variances for exceeding maximum impervious rear yard and front yard, insufficient building transparency, insufficient off-street parking. Preliminary and Final Site Plan Approval required. The attorney for this application unable to appear and has requested an adjournment in writing. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Pringle-Khalif to adjourn this application to December 08, 2016. Statutory time period waived and no new notice required.**

New Application:

Application: ZBA-16-9
Premises: 367-369 S. Orange Avenue
Ward: West
Applicant: Community House of Prayer, Church of Disciples of Christ Inc.
To Permit: In the C2 Community Commercial District, proposed change of use from commercial building to a House of Worship on first and part of second floor; existing residential units to remain on second and third floors. Project does not meet the Conditional Use Requirements. Project does not meet the bulk requirements of the Zoning Regulations. **Seeking D³ Variance for failing to meet conditional use requirements; Preliminary and Final Site Plan Approval required. The attorney for this application unable to appear and has requested an adjournment in writing. There were no objectors present. A motion was made by Commissioner Baine and seconded by Commissioner Pringle-Khalif to adjourn this application to December 08, 2016. Statutory time period waived and no new notice required.**

Pending Application:

Application: ZBA-16-47
Premises: 59-69 Bloomfield Avenue
Ward: Central
Applicant: New York SMSA Limited Partnership d/b/a Verizon Wireless
To Permit: In the C2 Community Commercial district proposed installation of a new wireless telecommunication facility consisting of 12 antennas and equipment on top of an existing commercial building rooftop. Project fails to meet conditional use requirements. **Seeking a D³ Variance for failing to meet the conditional use requirements. No site plan approval required. Frank Ferraro, Esq., Frank Colasurdo, Architect, Frances Bo Schulte, Radio Frequency Engineer, William F. Masters, Planner, Trina Otha, testimony recorder, and Gerard Haizel, Planner Consultant appeared before the Board. There were no objectors present. A motion was made by Commissioner Auffant and seconded by Commissioner Ruivo to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to place property address on building as to be in compliance with City Ordinance and to make note of it on final compliance plans
- Applicant agreed to work with Department of Engineering and Office of Planning to remove 8 foot chain link fence with barbed wire and replace it with 8 foot tubular fence
- Applicant agreed to work with Department of Engineering and Office of Planning to improve visual landscape along perimeter of the property by incorporating shrubs and or street trees along the Public Right of Way.
- Applicant is required to return to the Board if they are unable to reach an agreement with Department of Engineering and Office of Planning regarding landscaping.

Annual Report: A motion was made by Commissioner Baine and seconded by Commissioner Hall to adopt the Annual Report. Motion carried 7-0.

Memorialization

ZBA-16-17 927-933,935 S. Eighteenth Street
ZBA-16-50 337-355 Roseville Avenue

Adjournment 8:35pm

Next Regular Meeting: October 27, 2016