

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
OCTOBER 27, 2016
COUNCIL CHAMBERS
7PM**

The meeting was called to order by Acting Chairman Baine at [7:07:01 PM](#) with the reading of the Open Public Meetings Act. Charles Auffant, Chairman, arrived at [7:15 PM](#) henceforth taking on the duty as chairman.

Roll Call

Commissioners Present

**Terence Baine, Vice Chairman
Katiria Cobian
Barry Dobson
Charles N. Hall
Wesley Jenkins
Charles Auffant, Chairman**

Commissioners Absent

**Julius Montford
Terry Pringle-Khalif
Rose Marie Ruivo**

Also Present

**Ade Afolabi, Zoning Officer
Angelo Cifelli, Board Attorney
Nana Jumah, Acting Board Secretary
Walford Enniss, Recording Secretary
Gerard Haizel, Planning Consultant**

Agenda Items

Pending Applications:

Application: ZBA-16-27
Premises: 353 Elm Street
Ward: East
Applicant: Michael Cunha
To Permit: In the R3, Third Residential District, proposed legalization of an existing four (4) family dwelling. Four family dwellings are prohibited in the R3 zone. Project does not meet requirements of the Zoning Regulations. **Seeking a D¹ Use Variance, Seeking a D⁵ Variance for insufficient lot area per dwelling; C Variance to permit building type, insufficient lot area, and insufficient lot width, exceeding maximum building height, insufficient side yard setbacks, excessive front yard imperious coverage, insufficient building transparency, and insufficient off-street parking spaces. Preliminary and Final Site Plan Approval required. Previously adjourned on 9/08/16. Fausto Simoes, Esq. requested an adjournment due to not having a full complement of board members. There were no objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Cobian to adjourn this application to December 08, 2016. Statutory time period waived and no new notice required.**

New Applications:

Application: ZBA-16-13
Premises: 830-852 Broadway
Ward: North
Applicant: AMERCO Real Estate Company
To Permit: In the C3, Regional Commercial District, proposed new construction of a three story 39,618 sq. ft. building to be utilized as a storage facility with 343 storage lockers and a one story 2,449 sq. ft. warehouse to store the portable box containers. Existing storage facility to remain. Project does not meet requirements of the Zoning Regulations. **Seeking a D¹ Use Variance, D³ Variance for failing to meet conditional use requirements; C Variances for non-street facing entrance, exceeding maximum impervious rear yard and front yard, insufficient building transparency, insufficient active ground floor height, insufficient off-street parking. Preliminary and Final Site Plan Approval required. Donna Erem, Esq. requested an adjournment due to not having a full complement of board members. There were no objectors present. A motion was made by Commissioner Cobian and seconded by Commissioner Hall to adjourn this application to December 08, 2016. Statutory time period waived and no new notice required.**

Application: ZBA-16-55
Premises: 376-394,396-414 Doremus Ave
Ward: East
Applicant: Pilot Travel Centers LLC
To Permit: In the I-3, Heavy Industrial District, proposed commercial and industrial truck and bus service facility with accessory uses that include one auto fueling canopy, one truck fueling canopy, one principal building with food services (restaurant) and 95 parking spaces. Restaurant is not permitted in the I-3 zone. Commercial, Industrial truck and bus service facility is permitted by conditional use. **Seeking a D¹ Use Variance to permit restaurant, Seeking D³ Variance for failing to meet conditional use requirements; C Variance for exceeding maximum imperious coverage, insufficient building transparency, exceeding maximum number of signs, exceeding maximum driveway width, exceeding maximum imperious yard area. Preliminary and Final Site Plan Approval required. Commissioner Jenkins recused himself from this application. Elnardo Webster, Esq. requested an adjournment due to not having a full complement of board members. There were five objectors represented by counsel present. A motion was made by Commissioner Hall and seconded by Commissioner Dobson to adjourn this application to November 17, 2016. Statutory time period waived and no new notice required.**

Application: ZBA-16-54
Premises: 45 Bloomfield Avenue
Ward: Central
Applicant: T-Mobile Northeast, LLC
To Permit: In the C2, Community Commercial District, proposed FCC licensed stealth rooftop wireless telecommunication facility including but not limited to 10 antennas and equipment cabinets on apt building. Wireless telecommunication facilities are conditionally permitted in the C2 zone. **Seeking a D³ Variance for failing to meet conditional use requirements; C Variances to permit non-flush mounted antennas, and exceeding maximum building height. Site Plan Approval not required. Frank Ferraro, Esq., Ekata Shah, Professional Engineer, Adam Feehem, Radio Frequency Engineer, David Karlebach, Professional Planner, Michael Lombardozz, Recorder, all appeared before the Board. There were no objectors present. A motion was made by Commissioner Cobian and seconded by Commissioner Baine to approve this application with conditions. Motion carried 5-0-1.**

- Applicant agreed to limit installation to ten (10) antennas only
- Applicant agreed to match facility's façade with existing building's brick façade

Memorialization

ZBA-16-34	91 Chambers Street
ZBA-16-41	412-428 N. 5 th Street
ZBA-16-45	257-275 Wilson Avenue
ZBA-16-49	490-498 Broad Street

Adjournment [8:25:32 PM](#)

Next Regular Meeting: November 10, 2016