

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
NOVEMBER 17, 2016
COUNCIL CHAMBERS
7PM**

The meeting was called to order at 7:07 PM by the Chairman with the reading of the Open Public Meetings Act

Roll Call

Commissioners Present

Terence Baine, Vice Chairman

Katiria Cobian

Barry Dobson

Charles N. Hall

Julius Montford

Terry Pringle-Khalif

Charles Auffant, Chairman

Absent

Wesley Jenkins

Rose Marie Ruivo

Also Present

Mark Barksdale, Director of Planning

Ade Afolabi, Zoning Officer

Angelo Cifelli, Board Attorney

Nana Jumah, Acting Board Secretary

Maria Hernandez, Recording Secretary

Gerard Haizel, Planning Consultant

Agenda Items

Pending Applications:

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. **Seeking D³ Variance for failing to meet conditional use requirements; Preliminary and Final Site Plan Approval required. Fausto Simoes, Esq., Joseph Asfour, R.A, Nicholas Verderese, Traffic Engineer, Edward Dukemon, Applicant, appeared before the board. There were no objectors present. A motion was made by Commissioner Montford 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 October 5, 2016.
- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to put a sound barrier material between church and apartments

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 including a restaurant and convenience store. Applicant proposes 33 new parking spaces. Commercial and industrial truck and bus service facilities and gasoline stations are permitted in the I-3 zone. Restaurants are not permitted in the I-3 zone. Project does not meet the Conditional Use Requirements. **Seeking a D¹ Use Variance to permit restaurant, Seeking D³ Variance for failing to meet conditional use requirements; C Variance for exceeding maximum imperious front and rear yard, insufficient building transparency, exceeding maximum number of signs, exceeding maximum number of monument wall signs, exceeding maximum sign square footage, a design waiver for exceeding maximum driveway width. Preliminary and Final Site Plan Approval required. Elnardo J. Webster II, Esq., Matthew Dewitt, P.E, Roy Parsons, R.A, John McDonough, PP, Todd Smutz, Operations Manager, Matthew Romana, Pilot Regional Manager, David Shropshire, Traffic Engineer, Gerard Haizel, Nishuane Group Planner, Lydia**

McDonnell, recorder for applicant, all appeared before the board. There were 27 objectors and 25 supporters present. A motion was made by Commissioner Pringle-Khalif 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 October 24, 2016.
- 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 directives from the Environmental Commission
- Applicant agreed to meet transparency requirement in conjunction with the Office of Planning.
- Applicant agreed the hours of operation will be from 5am to 11pm and any increase in these hours will require Board review.
- Applicant agreed to put up signs prohibiting vehicle idling
- Applicant agreed to enforce no idling rule around the perimeter.
- Applicant confirmed the number of truck parking spaces would not exceed 33 spaces.
- Applicant agreed to enforce no queuing for additional trucks or vehicles
- Applicant agreed to enforce no over-night parking
- Applicant agreed to enforce no illegal truck parking
- Applicant confirmed there will be no truck or vehicle repairs done on site.
- Applicant agreed to increase number and size of trees planted around the perimeter and parking area.

New Applications:

Application: ZBA-16-31

Premises: 118-120 Renner Avenue

Ward: South

Applicant: Antonio Custodio

To Permit: In the R1, First Residential District, proposed conversion of a one family dwelling to a two family dwelling. Two family homes are not permitted in an R1 zone. **Seeking a D¹ Use Variance; C Variances for insufficient rear and side yard setback, exceeding maximum impervious rear yard area, insufficient building transparency, insufficient lot size, insufficient lot width. Site Plan approval not required. Fausto Simoes, Esq. requested an adjournment due to his client's interpreter not being present. There were no objectors present. A motion was made by Chairman Auffant with all board members in favor to adjourn this application to January 26, 2016. Statutory time period waived. New notice not required.**

Application: ZBA-16-46

Premises: 226-228 Sherman Avenue
Ward: Central
Applicant: Joseph Asfour
To Permit: In the I1, First Industrial District, proposed auto repair and used auto sales lot. Auto sales lots are permitted as a conditional use in the I-1 Zone and automobile repair shops are permitted as an accessory to the sales use. Project fails to meet conditional use requirements. **Seeking D³ Variance for failing to meet conditional use requirements; Seeking C Variances for exceeding maximum front yard area, insufficient rear yard, exceeding maximum lot coverage, exceeding maximum impervious front and rear yards, insufficient building transparency. Preliminary and Final Site Plan approval required. Manual Sanchez, Esq. requested an adjournment due to insufficient time to hear this case. There were two objectors present. A motion was made by Commissioner Pringle-Khalif and seconded by Commissioner Montford to adjourn this application to January 26, 2016. Statutory time period waived. New notice not required.**

Application: ZBA-16-61
Premises: 350-358 Broad Street
Ward: Central
Applicant: Muy Brands, LLC
To Permit: In the Broad Street Station Redevelopment Plan Area, Sub District F, proposed restaurant with drive-thru. Proposed drive thru is not permitted in this zone. . Restaurants are permitted as an accessory use in this redevelopment zone. Project does not meet the requirements of Zoning Regulations. **Seeking a D¹ Use Variance; Seeking C Variances to greater front yard setback, insufficient building height, exceeding maximum drive-way width, exceeding number of driveways, to permit driveway closer to signalized corner, insufficient number of trees, insufficient number of shade or ornamental trees in the parking lot, to allow sign that extends above lowest part of the roofline, to permit a pylon sign, exceeding maximum sign area, exceeding maximum sign height, insufficient illumination for parking area, exceeding maximum illumination on the walkways, exceeding maximum illumination at northeastern property line, design waiver for insufficient number of trees. Preliminary and Final Site Plan approval required. Jennifer Mazawey, Esq. requested an adjournment due to insufficient time to hear this case. There were five objectors present. A motion was made by Commissioner Hall and seconded by Commissioner Montford to adjourn this application to January 26, 2016. Statutory time period waived. New notice not required.**

Memorialization

ZBA-16-47 59-69 Bloomfield Avenue

Adjournment [12:05 AM](#)

Next Regular Meeting: December 08, 2016