

**MINUTES  
OF  
THE NEWARK BOARD OF ADJUSTMENT  
REGULAR HEARING  
DECEMBER 08, 2016  
COUNCIL CHAMBERS  
7PM**

The meeting was called to order at 7:09 PM by the Chairman with the reading of the Open Public Meetings Act

Roll Call

Request for Withdrawals or Adjournments: 7:12 PM

Communications:

Commissioners Present

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

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

## Pending Applications:

Application: ZBA-16-27  
Premises: 353 Elm Street  
Ward: East  
Applicant: Michael Cunha  
Proposing: In the R3; Third Residential District, proposed legalization of an existing four (4) family dwelling. Four family dwellings are prohibited in the R3 zone. **Seeking a D<sup>1</sup> Use Variance, Seeking a D<sup>5</sup> Variance for insufficient lot area per dwelling; C Variance to permit building type, insufficient lot area, insufficient lot width, exceeding maximum building height, exceeding minimum side yard setback, exceeding maximum imperious front yard coverage, insufficient building transparency, insufficient off-street parking spaces. Preliminary and Final Site Plan Approval required. Fausto Simoes, Esq., the attorney for the applicant, requested an adjournment because the architect could not appear. There were no objectors present. A motion was made by Commissioner Dobson and seconded by Commissioner Hall to adjourn this application to February 23, 2017. The statutory time period was waived and the applicant is not required to re-notice.**

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. **Seeking a D<sup>1</sup> Use Variance, D<sup>2</sup> 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. Fausto Simoes, Esq., the attorney for the applicant, requested an adjournment because the architect could not appear. There were no objectors present. A motion was made by Commissioner Dobson and seconded by Commissioner Hall to adjourn this application to February 23, 2017. The statutory time period was waived and the applicant is not required to re-notice.**

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. **Seeking a D<sup>1</sup> Use Variance; C Variances for exceeding maximum impervious rear and front yards, insufficient building transparency, insufficient off-street parking. Preliminary and Final Site Plan Approval required. Fausto Simoes,**

Esq., John McDonough, PP, Jeffrey Lewis, RA, Ivan Rodriguez, son of applicant appeared before the Board. There were no objectors present. A motion was made by Commissioner Hall to approve this application with conditions and seconded by Commissioner Baine. Motion carried 3 yes – 4 no. This application was denied.

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 building to be utilized as a storage facility with 343 storage lockers, and a one story warehouse to be used as a storage for portable box containers. The existing storage facility and rental office will remain. Warehouses are not permitted in the C3 zone. Portable storage units are permitted as a conditional use in the C3 zone. **Seeking a D<sup>1</sup> Use Variance, D<sup>3</sup> Variance for failing to meet conditional use requirements; C Variances for exceeding maximum front yard setback, exceeding maximum side yard setback, exceeding maximum lot coverage, exceeding maximum impervious front yard, insufficient building transparency, insufficient floor-to-floor height, exceeding maximum allowed parking on primary frontage, non-street facing entrance, insufficient buffer at property line, exceeding maximum fence height, insufficient on-site street trees, insufficient shade trees, insufficient number of trees in parking area, exceeding maximum illumination levels at entrance(s) and exit(s) and property line abutting non-residential uses , insufficient illumination levels at property line, exceeding maximum mounted light fixture height, exceeding maximum sign area and number of signs, exceeding maximum driveway. Design waivers are being requested to permit off-street loading with less than required dimensions, and a parking area with less landscaping than required. Preliminary and Final Site Plan Approval required. Donna Erem, Esq., Andrew Lasich, RA, John McDonough, PP, Michael Fowler, Engineer, Dan Disario, Traffic Engineer, Gerard Haizel, City Planner (Nishuane Group), Anthony Palidino, president of U-Haul Co. of Northern NJ, appeared before the Board. There were three objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Montford to approve this application with conditions. Motion carried 7-0.**

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to add lighting to Irving Street side of perimeter to enhance visibility to conform to City's regulations and directives. From Dept. of Engineering.
- Applicant agreed to limit driveway on Broadway to 36 feet wide.
- Applicant agreed to work in conjunction with Department of Engineering and Office of Planning to plant required number and type of trees. If a mutual agreement is not reached the applicant must return to the Board.

Application: ZBA-16-22  
Premises: 23-51 Clifton Avenue  
Ward: Central  
Applicant: PF Colonnade Apartments, LLC  
To Permit: In the R6, High-Rise Multi-Family Residential District, proposed 6 foot metal tubular fencing around portions of the property to match the existing six foot wrought iron fence and new prefabricated security booth. Proposed fence exceeds permitted fence height. **Seeking C Variances for exceeding maximum fence height. Site Plan Approval not required. Michael Oliveira, Esq., Darrell Alvarez, RA, Gregory Woodruff, PP, and Gary Bootes, principal of Sterling Securities, LLC. appeared before the Board. There were eight objectors present. A motion was made by Commissioner Montford to deny this application and seconded by Commissioner Pringle-Khalif. Motion carried 7-0. This application was denied.**

#### New Application:

Application: ZBA-16-62  
Premises: 56 Waydell Street  
Ward: East  
Applicant: Anthony, Maria, and Jose Gomes  
To Permit: In the MX-2; Mixed Use Residential/Commercial/Industrial District, proposed conversion of one family into a two family dwelling. Project does not meet bulk requirements of the Zoning Regulations. **C Variances for insufficient lot size, insufficient rear yard setback, for insufficient lot area per dwelling unit, exceeding maximum lot coverage, exceeding maximum impervious rear yard. Site Plan Approval not required. Rui Amaral, RA, and Anthony Gomes, the applicant, requested an adjournment due to deficient notice. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Ruivo to adjourn this application to January 26, 2017. The statutory time period was waived and applicant must re-notice.**

#### Attorney Resolution 11:33 PM

**A motion was made by Commissioner Montford to accept this resolution. All Board members present were in favor.**

#### **Memorialization**

ZBA-16-33 115-121 Highland Avenue  
ZBA-16-26 225-239 McWhorter Street/129-143 Chestnut Street  
ZBA-16-28 73-87 Fourth Avenue  
ZBA-16-51 161 Bellair Place

#### Adjournment 11:36 PM

**Next Regular Meeting: January 12, 2016**