

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 16, 2015

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, March 16, 2015, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:15 p.m. and Secretary Egan called the roll. Present at the meeting were Chairman Urban and Commissioners, Adams, Egan, Ferrante, Pelliteri, LeFante Calcaterra, Weicker, Lombardi and Rivera. Commissioner Coletta was absent.

Also present were Richard N. Campisano, Esq., Board Counsel, Robert Russo, P.E., Consulting City Engineer and Lillian Glazewski, Land Use Administrator.

After the Pledge of Allegiance to the Flag, Chairman Urban declared a quorum and advised that the Board had complied with the Open Public Meetings Act/Sunshine Law.

Adoption of Minutes:

No minutes were available for adoption.

Communications:

- Letter from William J. Finnerty, Esq. withdrawing Karim Saweris' application for a Certificate of Non-conformity for property located at 30 East 37th Street in City Block 121, Lot 35.

Public Hearing:

Z-15-002 BAYONNE AVENUE E URBAN RENEWAL, LLC (Silklofts) – Site: 157-163 Avenue E in City Block 234, Lots 8, 9 10 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to construct a parking lot for an accessory use to the Silklofts Building.]*

Robert Gaccione, Esq., Attorney for Applicant gave an opening statement, marked his exhibits into evidence and called his first witness.

Witness:

Leon Cohen, a minority owner of the building was called and sworn to provide factual testimony. Mr. Cohen provided the Board with a history of the commercial building and its conversion to residential use. He discussed the parking for the facility and the need for the two curb cuts. Mr. Cohen also described the proposed fencing for the proposed parking lot as well as the landscaping proposed for same.

Board questions:

Commissioners Urban and Adams questioned Mr. Cohen as did Consulting City Planner Jennifer Beahm, P.P. and Consulting City Engineer Rob Russo, P.E.

Audience questions:

There were no questions from the general public.

Witness:

Anthony Castillo, Engineer with SESI was sworn to provide expert testimony. Mr. Castillo testified that he prepared the site plan for this application. Mr. Castillo described the parking lot layout, existing landscaping, drainage and lighting. He further described the parking spaces and how the lot will be tied to the residential development across the street. He described the ingress and egress from the two driveways and the purpose of one driveway for the “zip car rentals”. He explained the water runoff at this site and agreed to provide the City Engineer with plans for same.

Board questions:

Chairman Urban and Commissioners Egan, Adams and Ferrante questioned Mr. Castillo. City Engineer Robert Russo also questioned Mr. Castillo

Audience questions:

There were no questions from the general public

Witness:

Peter G. Steck, P.P., was sworn to provide expert testimony. Mr. Steck entered additional Exhibit A-24 aerial photos and summary of variances requested into evidence. Mr. Steck described the project in detail. He described the present site conditions and detailed how it was a unique site. He indicated that there were a variety of land uses in the surrounding area. He addressed, point by point, each of the variances requested and how the project on balance would be positive for the area and the City as a whole. The curb cut width was to provide additional safety for a multi-family development such as this. In conclusion, Mr. Steck advised the Board that this development was in accordance with the Master Plan. He indicated the variances required were de minimis and there would be no detrimental effect on the surrounding area or the City of Bayonne should the Board approve this application.

Board questions:

Consulting City Planner Jennifer Beahm, questioned Mr. Steck.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Gaccione said that the applicant's previous parking with the lifts had problems. He said that he relied on his expert testimony and respectfully requested the Board approve this application.

Caucus:

Chairman Urban said that this project will compliment the property. Mr. Urban said that he would like the zipcars to be eliminated and well as the elimination of one curb cut.

Commissioner Adams concurred with Chairman Urban regarding complimentary nature as it relates to the Silklofts Building. However he does not agree that the zipcars be eliminated. The troubling part is that the parking lot was done before the application was filed.

Commissioner Ferrante said that the applicant did an outstanding job with Silklofts building. He agrees with Commissioner Adams that the zipcars should remain.

Commissioner Pelitteri said that this will enhance the area and he also agrees that the zipcars should be allowed to remain.

Commissioner Rivera said that it was a great idea with the zipcars.

Commissioner Calcaterra thanked the applicant for the presentation. The zipcars are a positive aspect.

Commissioners Lombari, Weicker, LeFante and Egan concurred.

Commissioner Adams made a motion to approve the application subject to the conditions spread across the record. Commissioner Lombari seconded the motion and a unanimous vote followed.

A short break was taken at 7:42 p.m. The meeting resumed at 7:54 and the roll was called.

Public Hearing (Continuation):

Z-14-017 JOSEPH DELGROSSO – Site: 183 West 4th Street in City Block 334, Lot 3 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the use of a portion of the residential building for his business, Municipal Inspection Corporation.]*

Christos J. Diktas, Esq., Attorney for Applicant gave a brief opening statement, confirmed that the applicant was proceeding for a use variance and called his first witness..

Witness:

Joseph Delgrosso was sworn to provide factual testimony. Mr. Delgrosso said that he resides at the site in question where his business exists. He said that his father, Constance Delgrosso was the founder of the business. He said that when his father passed away, he took over the business. Mr. Delgrosso described location of the property and surrounding area. He said that there is no signage on the building and that he has no intention of putting signage up. All of the clerical employees are residents of the City of Bayonne and when the weather is good they walk to work. Mr. Delgrosso continued to describe the function of the business. He said that no clients come to the office.

Board questions:

Commissioners Egan, Urban and Adams questioned Mr. Delgrosso.

Audience questions:

There were no questions from the general public.

Witness:

Al Sambade, P.P., described the site plan prepared by him. He said that this is an existing building and no work is planned to the building. He said further that the applicant has no objection to the reports given by the City Planner and Engineer.

Board questions:

Commissioners Adams and Ferrante questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Diktas requested the Board approve this application

Caucus:

Chairma Urban said that he was in favor of the application.

Commissioner Adams concurred, however, he would like to have the applicant sign a deed restriction with regard to the business at this site.

Commissioners Ferrante, Pellitteri, Rivera, Calcaterra, Lombardi, Weicker, Le Fante and Egan concurred.

Commissioner Adams made a motion to approve the application subject to the conditions spread across the record. Commissioner Le Fante seconded the motion and a unanimous vote followed.

Adoption of Resolutions:

- **Z-14-014 JUDY DeJESUS – Site: 440-442 Kennedy Boulevard in City Block 238, Lot 50**
 - Commissioner Ferrante made a motion to adopt the resolution and Commissioner Calcaterra seconded the motion. A unanimous vote followed.
- **Z-15-001 HANY & RANIA SALIB – Site: 148 West 32nd Street in City Block 151, Lot 43**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Ferrante seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:30 p.m.

Susan Bischoff, Certified Shorthand Reporter, took a transcript of the meeting.

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