

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 20, 2015

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, April 20, 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, Calcaterra, Weicker, Lombardi and LeFante. Commissioners Pellitteri, Coletta and Rivera were absent.

Also present were Richard N. Campisano, Esq., Board Counsel, Robert Russo, P.E., Consulting City Engineer, Jennifer Beahm, P.P., 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:

Commissioner Adams made a motion to adopt the minutes from the regular meetings held on February 23, 2015 and March 16, 2015. Commissioner Calcaterra seconded the motion and a unanimous vote of eligible members followed.

Communications:

- None

Public Hearing:

Z-15-006 ANGELA DeQUINA – Site 82-84 West 51st Street in City Block 52, Lot 36
[The applicant is seeking a Certificate of Non-Conformity for the continuation of a three-family residence.]

Paul Weeks, Esq., attorney for the applicant gave a brief opening statement, offered his exhibits into evidence and called his first witness.

Witness:

Angela DeQuina was sworn to provide factual testimony as to the occupancy history of of the home at 82-84 West 51st Street. Ms. DeQuina testified that the property was used as a three-family residence since at least 1974. She also said that she has maintained a homeowner's insurance policy for three-units on this residential property.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Caucus

Chairman Urban said that the documentation as well as the testimony provided by the applicant was sufficient enough to grant the Certificate of Nonconformity.

Commissioner Adams said that all evidence supporting the application is there and the relief being sought should be granted.

Commissioners Ferrante, Calcaterra, Lombardi, Weicker, LeFante and Egan concurred.

Commissioner Egan made a motion to grant the Certificate of Nonconformity and Commissioner Weicker seconded the motion. A unanimous vote followed.

Public Hearing:

Z-15-005 ENEAS and DENISE MULCAHY – Site: 12 West 34th Street in City Block 139 [The applicants are seeking a bulk variance for parking stall space.]

Paul Weeks, Esq., Attorney for the applicant, in his opening statement, summarized the application before the Board. Mr. Weeks offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, P.P. was sworn to provide expert testimony. Mr. Sambade provided testimony in support of the dimensional variance for the size of parking stall in the driveway. It was Mr. Sambade's testimony that good planning supports the granting of this de minimis variance. He advised the Board that the de minimis variance for this spot was supported in the Zoning Ordinance.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban said that the variance requested would not have a detrimental affect on the Master Plan, Zoning Ordinance or surrounding neighborhood and, therefore, should be granted.

Commissioners Adams, Ferrante, Calcaterra, Lombari, Weicker, LeFante and Egan concurred

Commissioner Adams made a motion to grant the variance and Commissioner Lombari seconded the motion. A unanimous vote followed.

Public Hearing:

Z-15-003 QUICK CHEK CORPORATION – Site: 21-23 East 52nd Street & 20-38 East 53rd Street in City Block 41, Lots 7 and 13.01, respectively *[The applicant is seeking minor site plan approval and “D” variance relief to allow the placement of an emergency generator off of the southeast corner of the food market building.]*

Wolfgang Robertson, Esq., attorney for the applicant appearing. Mr. Robertson gave a brief opening statement, offered his exhibits into evidence and called his first witness.

Witness:

Robert L. Strecker, P.E., Senior Project Manager, was sworn to provide expert testimony in support of the application. Mr. Strecker testified as to the use and placement of the proposed generator. He said that its intended use is only for power disruptions. Mr. Strecker addressed the Planner’s comments and testified that the area proposed for the location of the generator is requested because it is close to the power sources to the pumps. He said that to relocate it from this area would not allow it to work as effectively.

Board questions:

Chairman Urban and Commissioner Ferrante questioned Mr. Strecker.

Caucus:

Chairman Urban commented that Quick Chek is a good neighbor to the area and their site is well kept. He said that Quick Chek Corporation has been a benefit to the entire community. Chairman Urban further stated that he would like to place a condition that restricts the time for the testing the generator from 10:00 a.m. to 4:00 p.m.

Commissioner Adams said that the applicant made a substantial case for approving the generator and that it would enhance the value to the business and the community.

Commissioner Adams said that he feels that the proposed location is not the best for the placement of the generator however, it is not the worst either.

Commissioner Ferrante said that the applicant demonstrated the benefit of the generator and he is in favor of this application.

Commissioner Calcaterra thanked the applicant for its thorough and complete application. He said that this generator will not be detrimental to community.

Commissioners Lombardi, Weicker, LeFante and Egan concurred.

Commissioner Adams made a motion to approve the application subject to a time constraint for the testing of the generator from the hours of 10:00 a.m. and 4:00 p.m. Commissioner Egan seconded the motion and a unanimous vote followed.

Closing Remarks:

Mr. Robertson, in closing, respectfully requested the Board approve the application.

A short break was taken at 7:10 p.m. and the meeting resumed at 7:18 p.m. Secretary Egan called the roll.

It was noted that Chairman Urban left due to a conflict in hearing the next application.

Public Hearing:

Z-14-024 – 54 HOOK ROAD, LLC – Site: 54 Hook Road in City Block 426, Lot 3
[The applicant is seeking a use variance along with preliminary and final major site plan approval to allow the use of the property as a municipal impound lot, parking lot for truck trailers and a truck rental business.]

Stephen, S. Rose, Esq., attorney for the applicant said that the applicant is seeking approval to allow towing and the parking of trailers at the site. He said that a truck rental business would not be part of this application. Mr. Rose offered his exhibits into evidence.

Mr. Campisano told Mr. Rose to write a letter to the Board of the change.

Witness:

Nicholas DelGuidice, operating officer of Logan Towing, was sworn to provide factual testimony in support of the application. Mr. DelGuidice said that the property was purchased

with the intended use for a towing operation. He said that former City Planner John Fussa had suggested that this property would be a good location for his business. Mr. DelGuidice advised there will be no truck rental business located at this site and he was withdrawing the truck rental business use. He discussed Logan Towing bringing in trucks and cars from accidents. He said that approximately fifteen (15) towed vehicles are stored in the yard at any given time. He also said that there would be approximately thirteen (13) BMW Car Carrier vehicles stored on the site. He described the site as having a lot size of 1.1 acres and that 15% to 20% was to be used for storage. Mr. DelGuidice advised that there would be four (4) employees working at the Bayonne site. He said that this is a 24 hour operation.

Board questions:

Commissioners Adams, Ferrante and Egan questioned Mr. DelGuidice as did City Planner Jennifer Beahm.

Audience questions:

There were no questions from the general public.

Witness:

Alan Feld, A.I.A., P.P. was sworn to provide expert testimony. Mr. Feld said that this property is located in the Heavy Industrial Zone. He described the parking spaces and how the uses and parking would operate. He also described water runoff at the site as well as lighting. Mr. Feld said that the applicant would work with the City's professionals if additional lighting is required.

Board questions:

Commissioners Weicker, Ferrante and Egan questioned Mr. Feld. City Engineer Robert Russo asked Mr. Feld to provide a stormwater report showing existing and proposed conditions.

Audience questions:

There were no questions from the general public.

Closing remarks:

Steve Rose respectfully requested the Board approve the application.

Caucus:

Commissioner Adams said that the zoning relief requested is not inappropriate for this lot and location and the relief requested can be granted without detriment. The applicant is willing to put some landscaping around the site to make the area more aesthetically pleasing.

Commissioners Lombardi, Weicker, LeFante and Egan felt that this application could be granted without any detriment to the community. The applicant has agreed to all stipulations requested by the Board.

Commissioner Ferrante said that the applicant made an outstanding case for utilizing this property,

Commissioner Calcaterra concurred.

Commissioner Egan made a motion to approve the application subject to all conditions spread across the record and Commissioner Lombardi seconded the motion. A unanimous vote followed.

Adoption of Resolutions:

- **Z-15-002 BAYONNE AVENUE E URBAN RENEWAL, LLC (Silklofts) – Site: 157-163 Avenue E in City Block 234, Lots 8, 9 10**
 - Commissioner Ferrante made a motion to approval the resolution and Commissioner Calcaterra seconded the motion. A unanimous vote followed.

- **Z-14-017 JOSEPH DELGROSSO – Site: 183 West 4th Street in City Block 334, Lot 3**
 - Commissioner LeFante made a motion to approval the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:08 p.m.

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

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