

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JULY 20, 2015

A REGULAR MEETING of the Zoning Board of Adjustment was held on Monday, July 20, 2015, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:20 p.m. and Secretary Egan called the roll. Present at the meeting were Chairman Urban and Commissioners, Egan, Ferrante, Lombardi, Pellitteri and Rivera. Commissioners Adams, LeFante and Weicker, Calcaterra, Coletta were absent.

Also present were Robert Russo, P.E., Consulting City Engineer, Anthony Rodriguez, P.P., Consulting City Planner, Richard N. Campisano, Esq., Board Counsel 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 Egan noted a correction to the May 18, 2015 minutes with regard to who called the roll that evening. The change was noted and corrected.] A motion was made by Commissioner Egan to adopt the minutes of the regular meetings held on May 18, 2015 and June 15, 2015. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

Communications:

- Request by Marc D. Policastro, Esq., attorney for NJD Development LLC/Raceway Petroleum, Inc. to carry application Z-15-004 to the September 21, 2015 regular meeting. Mr. Policastro agreed to the tolling of time for the scheduling of this matter.

- Commissioner Egan made a motion to carry the matter to September 21, 2015. Commissioner Lombardi seconded the motion and a unanimous vote followed.

Mr. Policastro was advised by counsel that no further notice is required.

Public Hearing:

Z-15-009 GRACELAND FLATS, LLC – Site: 197-199 Broadway in City Block 318, Lot 23 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to convert the existing building into commercial with four residential apartments.]*

William J. Finnerty, Esq., attorney for the applicant, gave a brief description of the application at hand and pointed out that this application was filed on June 2, 2015, before the adoption of the 8th Street Rehabilitation Plan which was adopted by the Municipal Council on June 10, 2015. Under the terms of that rehabilitation plan this is a permitted use and the application could have been filed with the Planning Board. However, the applicant has decided to remain with the Zoning Board and move forward this evening. Mr. Finnerty offered his exhibits into evidence and called his first witness.

Witness:

Victor Malerba, A.I.A., was sworn to provide expert testimony on behalf of the application. Mr. Malerba added an additional exhibit, a color rendering, which was marked into evidence as Exhibit A-23. Mr. Malerba testified that he was retained by the applicant to prepare the site plan for this project. He said that most of the proposed work would be interior to the building and described the proposed changes to the building façade. Mr. Malerba testified that the existing parking at the rear of the building would remain and the second floor balcony would be enclosed. He also addressed the comments offered by the City Planner and City Engineer in their reports.

Board questions:

Commissioners Egan and Ferrante questioned Mr. Malerba as did City Engineer, Anthony Rodriguez.

Audience questions:

Residents Luba Berezny and Jeff Berezny questioned Mr. Malerba.

Witness:

Paul Ricci, P.P. was sworn to provide expert planning testimony on behalf of this application. He testified that the proposed use would not be detrimental to the surrounding area. He stated that the design would bring the building back to its historic standards. Mr. Ricci discussed the requested variances and waivers and provided positive and negative criteria with regard to same. Mr. Ricci further testified that the site is particularly suited for this use as evidenced by the fact that the use today is identical to the requested relief and the only difference will be the configuration of the units and the commercial / residential mix. It was his opinion that the location of the property and the nature of the improvements are consistent with the local zoning scheme (residential in character) and that it melds with the adjoining commercial and residential neighborhood. In discussing the negative criteria, Mr. Ricci noted that the relief applied for is not detrimental to the public health and safety of the community because of the nominal impact on the Zone Plan and Zoning Ordinance. The parking and usable open space deficiencies are existing conditions that are not increased by virtue of the application. Mr. Ricci outlined the variety of mass transit available to residents of the building including light rail and buses. He also mentioned the many recreational facilities in the City. It was Ricci's opinion that these services mitigated the negative effects of the variances. He indicated that the effect would be subtle and imperceptible to the citizens and as such did not become a substantial detriment

Board questions:

Commissioner Egan questioned Mr. Ricci.

Audience questions:

Resident Luba Berezny questioned Mr. Ricci.

Witness:

Christopher Cocchi, principal of applicant was sworn to provide factual testimony in support of the application. Mr. Cocchi described the property and proposed changes. He also discussed the parking spaces for the residential portion of the application.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Finnerty respectfully requested the Board approve the application.

There were no closing remarks from the general public.

Caucus:

Chairman Urban noted that this area has changed over the last few years lending to both residential and commercial elements. He said that this project is well-suited to the character of neighborhood and this is a good application.

Commissioner Ferrante said that the applicant presented a good application. The architectural rendering is pleasing and fits in well with the neighborhood.

Commissioners Pellitteri, Egan and Rivera concurred with their fellow commissioners.

Commissioner Lombardi said that this appears to be a positive move for the neighborhood.

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

Note: *Chairman Urban recused himself from hearing the next application due to a conflict of interest.*

Public Hearing:

Z-15-010 NAGI and MAGDA BOUTROS – Site: 273 Avenue C in City Block 271, Lot 7 *[The applicants are seeking preliminary and final major site plan approval along with use and bulk variance relief to add a third dwelling unit at the rear of the first floor behind the existing commercial unit.]*

Since there were only five commissioners remaining after Chairman Urban recused himself, Stephen S. Rose, Esq., attorney for Nagi and Magda Boutros requested that the hearing of this application be adjourned to August 17, 2015.

Commissioner Egan made a motion to grant the adjournment to August 17, 2015 with no further notice required by the applicant. Commissioner Lombardi seconded the motion and a unanimous vote followed.

Adoption of Resolutions:

- **Z-15-011 KNA ENTERPRISES, LLC – Site: 340 Broadway in City Block** *[The applicant is seeking a Certificate of Nonconformity for a designation of an eight (8) unit mixed use dwelling.]*
 - Commissioner Egan made a motion to adopt the resolution and the motion was seconded by Commissioner Lombardi. A unanimous vote followed.

A motion was made to close the meeting at 7:20 p.m.

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

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