

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
AUGUST 17, 2015

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, August 17, 2015, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:10 p.m. and Secretary Egan called the roll. Present at the meeting were Chairman Urban and Commissioners, Adams Egan, Ferrante, Lombardi and Pellitteri. Commissioners, LeFante, Rivera and Weicker 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:

No minutes were available for adoption.

Communications:

None

Public Hearing:

Z-15-016 ESTATE OF PASQUALE DeSIMONE – Site: 21 East 51st Street in City Block 46, Lot 8 *[The applicant is seeking a Certificate of Nonconformity for the continuation of a three-family dwelling.]*

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

Witness:

Ginny Cerreta was sworn to provide factual testimony in support of the request for a Certificate of Nonconformity. Ms. Cerreta testified that she is the Executrix of the Estate of Pasquale DeSimone and the niece of the decedent. She testified that the property has continuously been used as a three-family home since 1935. Ms. Cerreta said that a tax inspection was done by the City on October 1, 1990, and the inspection report described the home as a 3-story, three (3) unit residential property. She also said that the property has been taxed as a three (3) unit property since inspected in 1990. The property is registered as a three (3) family residential property with the Division of Community Affairs as well. The most recent Certificate of Registration was issued on September 23, 2011.

Board questions:

There were no questions from the Board.

Audience

There were no questions from the general public.

Closing remarks:

Paul Weeks, Esq. said that he relies on the exhibits submitted and the testimony of Ms. Cerrata. He respectfully requested the Board approve the issuance of a Certificate of Nonconformity.

Caucus

Chairman Urban said that the testimony of the witness and the documents provided is sufficient proof that this home was a three family for a long time.

Commissioners Adams, Ferranate, Lombardi, Pellitteri and Egan concurred with Chairman Urban.

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

Public Hearing:

Z-15-012 – 10 MECHANIC STREET, LLC – Site: 10 Mechanic Street in City Block 449, Lot 20. *[The applicant is seeking a bulk variance for parking stall size.]*

Paul Weeks, Esq., attorney for the applicant briefly described the application, offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, P.P., P.E., was sworn to provide expert testimony on behalf of the application. Mr. Sambade testified that the applicant is merely seeking a variance from the Board for parking stall size. There is an existing curb cut. No site plan is required for this application because two-family homes are exempt from site plan approval. Mr. Sambade further testified that it is physically impossible to accommodate the parking stall size that is required by City ordinance.

Board questions:

Chairman Urban questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing remarks:

Paul Weeks, Esq., respectfully requested the Board grant the bulk variance application.

Audience closing remarks:

There were no closing remarks from the audience.

Caucus:

Chairman Urban said that he believes the application can be approved without any negative impact on the surrounding area.

Commissioner Adams said that the applicant presented an adequate case in support of granting the variance.

Commissioner Ferrante said that the applicant made a solid effort to address the parking issue.

Commissioners Lombardi, Pellitteri and Egan concurred.

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

Hearing:

Z-15-013 – 22 EAST 33RD STREET, LLC – Site: 22 East 33rd Street in City Block 146, Lot 36. *[The applicant is seeking a bulk variance for lack of off-street parking spaces.]*

Paul Weeks, Esq., attorney for applicant briefly described the application, offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, P.P., P.E., was sworn to provide expert testimony in support of the application. Mr. Sambade testified that the applicant is seeking variance relief for parking design and number of spaces. Mr. Sambade provided testimony regarding the physical conditions of the property and he said that strict application would result in a hardship to the applicant. It was his professional opinion that the proposal furthered the purpose of the Municipal Land Use Law by taking a non conforming use and bringing it into conformity with the surrounding area. He further testified that there is no way for the applicant to provide additional parking at this site.

Mr. Sambade further testified that the granting of the requested variances will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. He pointed out that there is available parking in the municipal lot across the street. In addition, the Hudson Bergen Light Rail is only a block away offering mass transit options to the residents.

Board questions:

Chairman Urban and Commissioners Ferrante and Egan questioned Mr. Sambade.

Audience questions:

Residents Peter Black, Maria Froio, Carol Lehman, Frank Scibetta and Josephine Scibetta also questioned Mr. Sambade.

Audience closing remarks:

Residents Peter Black and Carol Lehman voiced their objection to the granting of the variances.

Closing remarks:

Paul Weeks, Esq., respectfully requested the Board approve the application.

Caucus:

All commissioners concurred that this is a less intensive use of the property and that the variance requested is de minimis and should be granted.

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

A short break was taken at 7:03 p.m. and the meeting resumed at 8:25 p.m. Secretary Egan called the roll.

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.]*

Stephen S. Rose, Esq., attorney for applicant requested an adjournment of this application to October 19, 2015 regular meeting because only five commissioners were available to hear this application.

Commissioner Adams made a motion to grant the adjournment to October 19, 2015 with no further notice required. Commissioner Pellitteri seconded the motion and a unanimous vote followed.

Mr. Rose was asked to send a letter to the Land Use Administrator tolling the time. Mr. Rose agreed.

Adoption of Resolutions:

- **Z-15-009 GRACELAND FLATS, LLC – Site: 197-199 Broadway in City Block 318, Lot 23**
 - 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 7:25 p.m.

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

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