

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
DECEMBER 21, 2015

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, December 21, 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, LeFante, Lombardi and Rivera. Commissioners Weicker and Pellitteri 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 the Board had complied with the Open Public Meetings Act/Sunshine Law.

Adoption of Minutes:

Chairman Urban called for the adoption of the minutes from the regular meeting held on October 19, 2015.

Commissioner Adams made a motion to adopt the minutes and Commissioner Ferrante seconded the motion. A unanimous vote of eligible members followed.

Board Reorganization

- **Election of officers (unanimously voted in):**
 - Mark Urban, Chairman
 - Clifford Adams, Vice-Chairman
 - Jan Patrick Egan, Secretary

- **Appointment of Support Personnel**

- Richard N. Campisano, Esq., Board Attorney
- Suzanne Mack, P.P., City Planner
- Anthony Rodriguez, P.P., Consulting City Planner
- Robert Russo, P.E. Consulting City Engineer
- Lillian Glazewski, Land Use Administrator
- Susan Bischoff, Certified Shorthand Reporter

- **Adoption of 2016 Calendar**

The following dates for the regular meeting dates to be held in 2016 were read by Commissioner Egan and unanimously adopted.

January 25, 2016 (Alternate date)
February 22, 2016 (Alternate date)
March 21, 2016
April 18, 2016
May 16, 2016
June 20, 2016
July 18, 2016
August 15, 2016
September 19, 2016
October 17, 2016
November 21, 2016
December 19, 2016

The regular meeting dates for 2016 will be published in the Jersey Journal and Star Ledger as required under the Open Public Meetings Act Municipal Land Use Law, N.J.S. 40:55D-9.

Communications:

Z-10-005 Day by Day Ministries – Christopher D. Vitale, Esq., attorney for the applicant, requesting a one-year extension to begin construction.

Commissioner Egan made a motion to grant the extension and Commissioner LeFante seconded the motion. A unanimous vote followed.

Public Hearing:

Z-15-030 MICHAEL MALADY – Site: 164 Prospect Avenue in City Block 432, Lot 19 *[The applicant is seeking a Certificate of Nonconformity for the continuation of a six-family dwelling.]*

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

Witness:

Ewa Jakubowski, owner of the property said that when the property was purchased in 1999, it was purchased as a six-family residence. Ms. Jakubowski testified that the home has been registered with the New Jersey Department of Community of Affairs since 1999. She stated further that each apartment has its own gas and electric meter.

Board Questions

There were no questions from the Board.

Audience Questions:

There were no questions from the general public.

Closing Remarks:

Paul Weeks, Esq., said that sufficient documentation has been submitted by the applicant to support the request for the Certificate of Nonconformity and he respectfully requested the Board approve the application.

Caucus:

Chariman Urban was satisfied that the documents provided by the applicant are sufficient enough to grant the Certificate of Nonconformity.

Commissioner Adams concurred and added that all proofs are in applicant's submission

Commissioner Ferrante was also satisfied with documents submitted.

Commissioner Rivera, Lombardi, Lefante and Egan concurred.

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

Public Hearing:

P-15-021 EXCEL AP, LLC, Site: 36-38 East 22nd Street in City Block 212, Lot 29 *[The applicant is seeking preliminary and final major site plan approval and "D" variance relief for floor area ratio and bulk variance relief to construct a multi-family apartment building consisting of twenty-four one-bedroom units.]*

Christopher D. Vitale, Esq., attorney for applicant gave a brief description of the application and relief being sought. Mr. Vitale entered his exhibits into evidence and called his first witness.

Witness:

Sharon Bentley, daughter of the applicant, was sworn to provide factual testimony in support of the application. Ms. Bentley said that her family has owned the property since 2003. She described property at the time of purchase and said that they were waiting for the economy to improve before developing the property.

Board questions:

Chairman Urban questioned Ms. Bentley.

Audience questions:

Resident Keith Davis also questioned Ms. Bentley with concerns about the density.

Witness:

John McDonough, P.P. was sworn to provide expert planning testimony in support of the application. Mr. McDonough testified that, in his professional opinion, geometry allows for this type of density. He further addressed the positive and negative criteria.

Board questions:

Commissioner Ferrante questioned Mr. McDonough.

Audience questions:

There were no questions from the general public.

Witness:

Orestes Valella, AIA, was sworn to provide expert architectural testimony in support of the application. Mr. Valella described the site plan that was submitted.

Board questions:

Chairman Urban, Commissioners Adams, LeFante and Egan questioned Mr. Valella as did City Engineer Russo Russo, P.E.

Audience questions:

Resident Keith Davis questioned Mr. Valella.

Mr. Valella requested the Board an opportunity to revise the plans to address the setback issue as well as the driveway issue.

A short break was taken at 7:20 pm to allow Mr. Valella to have a discussion with his clients and their attorney. The meeting resumed at 7:30 pm and the roll was called.

The meeting continued with audience questions of Mr. Valella.

Resident Kerry Fryczynski expressed his concern about the shoring along his property line during construction.

Once again, Mr. Valella requested time to revise the plans.

Chairman Urban called for a motion to carry this application to the regular meeting of February 22, 2016 with no further notice required by the applicant. Commissioner Ferrante seconded the motion and a unanimous vote followed.

Public Hearing:

Z-15-024 J C REHAB, LLC, Site: 78 East 29th Street in City Block 423, Lot 16 *[The applicant is seeking a bulk variance in accordance with §35-17.5 of the City of Bayonne Zoning Ordinance for minimum parking stall size for a two-family home.]*

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

Witness:

Al Sambade, PP was sworn to provide expert testimony on behalf of the application. Mr. Sambade testified that he prepared the site plan submitted with the application. He described the proposed site improvements talked about how the improvements would be consistent with the other homes in the area. Mr. Sambade also described the surrounding area and uses therein. Mr. Sambade said that he reviewed the City's professional reports and agreed with their comments. He testified as to the positive and negative criteria as it relates to this application.

Board questions:

There were no questions from the Board

Audience questions:

Resident Eileen Lawrence expressed concern about the building of the house and asked Mr. Sambade if it would undermine her home.

Closing Remarks

Richard Meola, Esq., relied on the testimony given and respectfully requested the Board approve the application.

Caucus:

Chairman Urban stated that he was in favor of granting the variance,

Commissioner Adams said that the applicant has met its burden of proof and the variance should be granted.

Commissioners Ferrante, Rivera, Lombardi, LeFante and Egan concurred.

Commissioner Adams made a motion to approve the variance requested and Commissioner Ferrante seconded the motion. A unanimous vote followed.

Adoption of Resolutions:

- **Z-15-020 ALEXANDER PASIECHNIK – 107-109 Hobart Avenue in City Block 344, Lot 9.01**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Egan seconded the motion. A unanimous vote followed.
- **Z-15-023 ROBERT STEPHEN QUEENAN – Site 23 West 48th Street in City Block 64, Lot 13**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Ferrante seconded the motion. A unanimous vote followed.
- **Z-15-019 DOROTHY GLOMB – Site: 40 East 15th Street in City Block 253, Lot 31**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner LeFante seconded the motion. A unanimous vote followed.
- **Z-15-008 KARIM SAWERIS – Site: 30 East 37th Street in City Block 121, Lot 35**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Ferrante seconded the motion. A unanimous vote followed.
- **Z-15-010 NAGI and MAGDA BOUTROS – Site: 273 Avenue C in City Block 271, Lot 7**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Egan seconded the motion. A unanimous vote followed.
- **Z-10-005 DAY BY DAY CHRISTIAN MINISTRIES - Site: 812-184 Avenue E in City Block**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Egan seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:00 p.m.

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

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