

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 16, 2016

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, May 16, 2016, 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 Ferrante, LeFante, Pellitteri, Lombardi, Dorans and DiLullo. Commissioners Adams, Egan, Pineiro and O'Brien were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Robert Russo, PE, consulting City Engineer, James Clarkin, PP, Consulting City Planner 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:

A motion to adopt the minutes of the regular meeting of April 18, 2016 was made by Commissioner Ferrante and seconded by Commissioner Lombardi. A unanimous vote of eligible members followed.

Communications:

The Board received an e-mail from Christopher D. Vatale, Esq., O'Halloran & Vitale, Esqs., attorney for application Z-15-021 Excel AP, LLC requesting another adjournment to allow time for the City Engineer to review recently revised plans submitted and provide comments, if any, relating to same. Mr. Vitale requested the matter be adjourned to our next regular meeting scheduled for June 20, 2016.

Commissioner Lombardi made a motion to adjourn the continuation of this application to June 20, 2016 with no further notice required by the applicant. Commissioner LeFante seconded the motion and a unanimous vote followed. Carried to June 20 – with no further notice required.

Public Hearing:

Z-16-005 BAYONNE EAST 22ND STREET, LLC, Site: 160 East 22nd Street in City Block 464.01, Lot 2 *[The applicant is seeking minor subdivision approval, preliminary and final major site plan approval, use and bulk variances to allow the construction of a seven-story self-storage facility.]*

Patrick J. McNamara, Esq., Attorney for Applicant opening statement and offered exhibits into evidence.

Witness:

Nick Coslov, CEO of Storage Deluxe was sworn to provide factual testimony in support of the application. Mr. Coslov said that his company has developed facilities in over 50 locations and there is one in facility in New Jersey and if this application is approved there will be two facilities in New Jersey. Mr. Coslov described the operation and safety features of the storage facility and said that there will be 1,300 storage units in this facility. He testified that the facility would be open seven (7) days a week 9:30 am to 6:00 pm, Monday through Saturday and 9:00 am to 2:00 pm on Sunday. Peak times would be on Saturday. There will be seven (7) loading docks and twenty-seven (27) parking spots which he described as “over parked” in comparison to other facilities. Mr. Coslov also described the safety features that will be in place at the facility. There will be approximately five (5) employees, generally working two (2) at a time. Mr. Coslov testified the facility will comply with Homeland Security requirements in order to provide for the safest facility possible and the owner will work with the City and County Police hours of operation 9:30 a.m. to 6:00 p.m. seven days a week.

Board questions:

Chairman Urban and Commissioners Ferrante, Pellitteri and Dorans questioned Mr. Coslov.

Resident questions:

Resident Liz Shakalis questioned Mr. Coslov.

Witness:

Jack Wilbern, AIA was sworn to provide expert testimony in support of this application. Mr. Wilbert described the building design and proposed signage in great detail. Mr. Wilbert also testified that the trash area is only for employees and not customers. He testified that the building would have a sprinkler system throughout.

Board questions:

Chairman Urban and Commissioners Dorans and Ferrante questioned Mr. Wilbert.

Audience questions:

Daniel Steinhagen, Esq., attorney for the Bayonne Shopping Center next door questioned Mr. Wilbert..

Witness:

Jonathan Istranyi, PE and senior project manager was sworn to provide expert testimony. Mr. Istranvi offered an aerial exhibit prepared by Stonefield Engineering dated April 21, 2016 into evidence. Said exhibit was marked as Exhibit A-26. Mr. Istranvi discussed vehicle maneuvering within the site and offered a truck turning plan dated April 11, 2016 which was marked as Exhibit A-27. Mr. Istranvi also offered a SU 40 turning template exhibit dated April 11, 2016 which was marked into evidence as Exhibit A-28. Mr. Istranvi also addressed the engineer's comments regarding the bulk variances and waivers being sought. He described the

site plan and subdivision as well. Mr. Istranvi testified that the applicant accepts all of the conditions outlined in the City Engineer's report. He said that he also reviewed the consulting City Planner's report and the bulk variances for side yard setback and lot depth. He advised that the bridge over 22nd Street was to be removed

Board questions:

Commissioners Ferrante and Pellitteri questioned Istranvi as did consulting City Planner James Clarkin.

Audience questions:

Daniel Steinhagen, Esq. and resident Mike Ruscigno questioned Mr. Istranvi.

Witness:

Christopher Lynch, the director of construction was sworn to answer questions presented by attorney Steinhagen regarding removal of the bridge and street repaving. Mr. Lynch described how it would be done and what the approximate timeline would be.

Witness:

John McDonough, PP was sworn to provide expert planning testimony in support of the application. Mr. McDonough testified that the site is particularly suited for this use because it is an evolving area with retail nearby and it is a benign use, compatible with industrial and commercial uses. He said that this proposal is a positive transformation and visually pleasing. He testified that approval of the variances being requested will not be a detriment to the surrounding area or the City as a whole. Mr. McDonough further testified that this is a good application that meets criteria for approval.

Board questions:

Chairman Urban and consulting City Planner James Clarkin questioned Mr. McDonough.

Audience questions:

There were no questions from the general public.

Closing comments:

There were no closing remarks from the general public.

Patrick McNamara, Esq., respectfully requested the Board approve this application.

Caucus:

Chairman Urban said that all criteria has been met for granting an approval of this application.

Commissioner Ferrante said that the applicant has proven its case for granting approval.

Commissioners Lombardi, Ferrante, LeFante, Pellitteri, Dorans and DiLullo concurred.

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

A short break was taken at 7:51 p.m. and the meeting resumed at 8:07 p.m. The roll was called.

Public Hearing:

Z-15-022 BAYONNE BLANKET 444 AVENUE C, LLC, Site: 444-446 Avenue C in City Block 225, Lots 43 and 44 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the conversion of two ground floor commercial units into four residential dwelling units and one additional residential dwelling unit on the second floor.]*

Charles J. Harrington, III, Esq., attorney for applicant gave brief overview of application and said that if the application is approved the lots will be consolidated.

Witness:

Alan Feld, PP was sworn to provide expert testimony in support of this application. Mr. Feld testified that he was retained by the application to prepare the site plan for this application. He discussed the proposal and elevations. He said that all new units will be in the existing frame of the building and he described the sprinkling system. Mr. Feld also addressed the comments in the reports provided by the consulting City Planner and City Engineer. He said that a property management company will oversee property.

Board questions:

Chairman Urban and Commissioners Ferrante and DiLullo questioned Mr. Feld as did consulting City Engineer Rob Russo and consulting City Planner James Clarkin.

Audience questions:

Resident Robert Hughes questioned Mr. Feld.

Witness:

Edward Kolling, PP, was sworn to provide expert planning testimony. Mr. Kolling testified as to the positive and negative criteria and said that this application could be approved without any detriment to the surrounding area.

Board questions:

Chairman Urban and consulting City Planner James Clarkin questioned Mr. Kolling.

Audience questions:

Residents Robert Hughes and Minnie Agosto questioned Mr. Kolling.

Chairman Urban said that he would like to see revised plans before voting on this application and suggested carrying this matter to the June 20, 2016 regular meeting of the Zoning Board.

Comments:

Residents Robert Hughes, Minnie Agosto and Shawn Agosto expressed their concerns with this application.

Commissioner Dorans made a motion to carry this application to the June 20, 2016 regular meeting and Commissioner Lombardi seconded the motion. A unanimous vote followed.

Mr. Campisano noted that the applicant is not required to send out any further notice of the June 20, 2016 meeting.

A short break was taken at 9:04 p.m. and the meeting resumed at 9:15 p.m.

Public Hearing:

Z-16-004 KENNEDY BOULEVARD ESTATES – Site: 717-719 Kennedy Boulevard in City Block 169, Lots 25 & 26 *[The applicant is seeking use and bulk variance relief along with preliminary and final major site plan approval to allow the construction of a seven unit residential building with an attached eight car parking garage.]*

Paul Weeks, Esq., attorney for applicant offered his exhibits into evidence and called his only witness to testify.

Witness:

Al Sambade, PP was sworn to provide expert testimony. Mr. Sambade offered an addition exhibit of the east elevation which was marked into evidence as Exhibit A-21. Mr. Sambade gave a brief history of the site and he said that the site has been in disrepair for the last fifteen years. Described proposed project and discussed the plans prepared by his firm. He addressed the positive and negative criteria as well as the variances being requested.

Board questions:

Consulting City Planner James Clarkin questioned Mr. Sambade.

Audience questions:

Resident Liz Shakalis questioned Mr. Sambade.

Closing Remarks:

There were no closing remarks from the general public.

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

Caucus:

Chairman Urban said that this area is an eyesore and this application is a positive improvement to the property and everyone benefits. The applicant has met all criteria for the granting of an approval.

Commissioner Ferrante concurred and added that the applicant is doing a fine job taking an eyesore in a blighted neighborhood and improving same.

Commissioners Lombari, LeFante, Pellitteri, Dorans and DiLullo concurred.

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

A motion was made to close the meeting at 9:52 p.m.

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

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