

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
SEPTEMBER 19, 2016

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, September 19, 2016, 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. Present at the meeting were Chairman Urban and Commissioners Adams, Egan, Ferrante, Lombari, Pellitteri, Dorans, Pineiro, O'Brien and DiLullo. Commissioner LeFante was absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Lillian Glazewski, Land Use Administrator, Robert Russo, PE, consulting City Engineer and Anthony Rodriguez, PP, consulting City Planner.

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:

The minutes for the August 15, 2016 meeting were not available for adoption.

Communications:

Letter received from Robert Arminonte, Esq., attorney for application Z-16-013 – 269 AD, LLC, requesting an adjournment to the regular meeting on October 17, 2016. Commissioner Egan made a motion to grant the adjournment and Commissioner Ferrante seconded the motion. A unanimous vote followed.

Public Hearing:

Z-16-008 KRZYSZTOF CZEKAJ – Site: 3 Elm Court in City Block 473.02, Lot 2
[The applicant is seeking a bulk variance from Section 35-4.13.a.3 of the City of Bayonne Zoning Ordinance to replace a six-foot high fence at or behind the front façade of the house.]

The applicant Krzysztof Czekaj said that he is requesting a variance from the Board to allow him to replace a six-foot high fence around his property. He said that he would like to replace the existing six-foot high fence with a white vinyl fence in exactly the same spot as the existing fence. The existing fence is in poor condition and was not maintained by the previous owner of the property.

Chairman Urban said that he can see no detriment to the surrounding area by granting the variance request.

Commissioner Ferrante said that due to the uniqueness of the property, the variance should be granted.

The remaining commissioners concurred.

Commissioner Adams made a motion to approve the variance and Commissioner Lombardi seconded the motion. A unanimous vote eligible members followed.

Public Hearing:

Z-16-011 ANN and CHRISTOPHER ROACH – Site: 314 Avenue B in City Block 26, Lot 8
[The applicants are seeking a bulk variance to increase the width of the existing ten-foot curb cut.]

The applicants appeared before the Board pro se with Mrs. Roach addressing the Board. Mrs. Roach stated that she and her husband recently purchased this newly constructed house and that they paid an additional \$10,000 for a three car garage. She said that they entered into a contract nine months before the construction of the house or curb cut were completed. They were never made aware that under our City ordinance only a ten-foot curb cut was permitted. Mrs. Roach further testified that with the ten-foot curb cut there is no way that all three garages can be utilized. She said that they are asking the Board to grant a variance for an eighteen-foot curb cut so as to allow them to access all three of their garages.

Board questions:

Chairman Urban and Commissioners Adams, Dorans and Ferrante questioned both Mr. & Mrs. Roach.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban commended Mrs. Roach on a comprehensive presentation and said that he sees no detriment in the granting of the requested variance.

All remaining commissioners agreed.

Commissioner Adams made a motion to grant approval and Commissioner Lombardi seconded the motion. A unanimous vote of eligible members followed.

Public Hearing:

Z-16-007 OUTFRONT MEDIA, LLC, Site: NJ Highway Route 440N in City Block 506, Lot 2 and Block 468, Lot 2 *[The applicant is seeking preliminary and final major site plan approval as well as use and bulk variance relief to modernize an existing double-faced static sign with one that changes messages electronically.]*

Louis D'Arminio, Esq., attorney for applicant, stated that the applicant is proposing the modernization of a double-faced billboard on each site using multi-message digital technology. Mr. D'Arminio offered his exhibits into evidence and called his first witness.

Witness:

Victoria Gustafson, an employee of the applicant and real estate representative for Hudson County was sworn to provide factual testimony. Ms. Gustafson said that her job included dealing with new locations, upgrades and new renewals. She discussed the applicant's reasons, need and importance for the proposed signage. Ms. Gustafson also testified that the applicant has applied to the New Jersey Department of Transportation for State permits and she offered Exhibit A-22 into evidence.

Board questions:

Chairman Urban, Commissioners Ferrante, Adams, Dorans and Pineiro questioned M s. Gustafson.

Audience questions:

There were no questions from the general public.

Witness:

Daniel Dougherty, P.E., an engineer with Dynamic Engineering was sworn to provide expert testimony in support of the application. Mr. Dougherty described the locations of the two existing poles. He offered Exhibit A-25 (a billboard) into evidence which showed the height and proposed improvements. He described changes to the existing facility and the elimination of the catwalk. Mr. Dougherty addressed the proposed LED panels and how they would be angled towards the roadway. He advised that the proposed LED panels would be a reduction in size of 16 ½ square feet. Mr. Dougherty described the lighting and how it works as well as protection from spillages in the surrounding area. He described photo cells measurement of ambient lighting adjustment to LED from day and night as well as its effect on traffic. He testified that there is no impact to the general public as a result of these changes to the signs, only a benefit.

Board questions:

Chairman Urban and Commissioners Egan, Ferrante, Adams and Dorans questioned Mr. Dougherty.

Audience questions:

There were no questions from the general public.

Witness:

George Wheatle Williams, P.P., a professional planner with the Nishuane Group, LLC was sworn to provide expert testimony in support of this application. Mr. Williams testified that he was retained by

the applicant to prepare an aerial and ground photo exhibit of the existing poles. He spoke of the modernization of the two (2) outdoor advertising signs and how the existing poles remain with only the faces changing. He testified as to the immediate area being in the H-C Highway Commercial/Select Light Industrial District and reviewed other uses in the area. Mr. Williams provided handouts of the proposed signs and reviewed them. He testified that there is no residential impact therefore no hardship in granting the use variance. He also addressed the bulk variance relief needed for minimum front yard and side yard requirements and how this would be a minimum impact in this district. He further testified that the modernization of the signs would contribute to the health, welfare and safety of the travelers on the roadway testified as to positive and negative criteria.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Mr. D'Arminio in closing stated that the applicant relies on the testimony of its experts and respectfully requested the Board approve the application.

Caucus:

Chairman Urban complimented the applicant and all experts that testified. He stated that the applicant's burden of proof has been met to grant approval of this application. Chairman Urban said that this project will be a benefit to the community.

Commissioner Adams thanked the applicant for comprehensive and clear presentation. He said that the billboards are located in good locations and are particularly suited to the area.

Commissioner Adams also said that he sees no negative impacts to surrounding area or the Bayonne zone plan.

Commissioner Ferrante stated that the billboards are an outstanding use of technology and will be beneficial to the City of Bayonne.

Commissioner Pellitteri said that all of his concerns have been addressed and he concurred with his fellow commissioners

Commissioners Pineiro, O'Brien, DiLullo, Dorans, Lombardi and Egan thanked the applicant and their experts as to the modernization of the billboards.

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

Adoption of Resolutions:

A motion was made to close the meeting at 8:30 p.m.

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

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