

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
FEBRUARY 27, 2017

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, February 27, 2017, 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. Present at the meeting were Chairman Urban, Commissioners, Adams, Egan, Ferrante, LeFante, O'Brien and DiLullo. Commissioners Dorans, Lombardi, Pellitteri, and Pineiro were 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:

Commissioner Ferrante made a motion to adopt the minutes of the regular meeting held on January 23, 2017. Commissioner LeFante seconded the motion and a unanimous vote of eligible members followed.

Communications:

- Letter from William J. Finnerty, Esq., attorney for Z-13-021 – Hobart Housing Corp., requesting a one-year extension on the approval to begin construction.
 - A motion was made by Commissioner Adams to approve the extension and seconded by Commissioner Egan. A unanimous vote followed.

- Letter from William J. Finnerty, Esq., attorney for Z-15-025 PR Builders, requesting a one-year extension on the approval to begin construction.
 - A motion was made by Commissioner Egan to approve the extension and seconded by Commissioner Ferrante. A unanimous vote followed.

Public Hearing:

Z-17-001 ELZBIETA JEDRZEJCZYK. – Site: 447 Avenue E in City Block 159, Lot 22 *[The applicant is seeking bulk variance relief for rear yard setback for a deck.]*

Tomasz Jedrzejczyk, applicant's husband, appeared before the Board pro se. Mr. Jedrzejczyk was sworn to provide factual testimony. Mr. Jedrzejczyk said that he and his family moved to Bayonne within the last year and he was unaware that a permit was required to construct a deck at the rear of his house. He also said that he was unaware of the variances that were needed for the deck that he constructed without the permits. Mr. Jedrzejczyk told the Board that he is asking for the Board to grant the required side and rear yard variances to allow him to keep the deck as built. He also mentioned that none of his adjacent neighbors have expressed any objections to this request.

Board questions:

Chairman Urban and Commissioners Adams and Ferrante questioned Mr. Jedrzejczyk.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban commented that he saw no negative impact with the approval of the requested variance to surrounding area or adjacent neighbors and he is in favor of granting the variances.

Commissioners Adams, Ferrante, O'Brien, LeFante and Egan concurred. Commissioner DiLullo did not agree.

Commissioner Adams made a motion to approve the application and Commissioner O'Brien seconded the motion. Chairman Urban, Commissioners Adams, Ferrante, O'Brien, LeFante and Egan voted in favor of the application. **Commissioner DiLullo voted against the application.** The application was approved by a 6 – 1 vote.

Hearing:

Z-16-023 GERARD RIZZO – Site: 1029 Avenue C in City Block 56, Lot 28 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to replace a medical laboratory on the ground floor of the existing building with a residential apartment.]*

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

Witness:

Stephen Kawalek, AIA, PP, was sworn as an expert witness. Mr. Kawalek testified that he was retained by the applicant to prepare the site plan. He said that the ground floor of the building was previously used by a medical laboratory and that the applicant is seeking a use variance to convert that space into a residential apartment. Mr. Kawalek addressed each of the variances being requested and said that it is his professional opinion that approval of this application will not be detrimental to the neighborhood, its surrounding area or the City as a whole.

Board questions:

Chairman Urban, Commissioner Adams and consulting City Planner Anthony Rodriguez questioned Mr. Kawalek.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban commented that the property will revert back to its original use and he has no objection to granting an approval.

Commissioners Adams, Ferrante, O'Brien, DiLullo, LeFante and Egan concurred

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

Adoption of Resolutions:

- Z-15-025-PR BUILDERS, LLC – Site: 82-84 East 31st Street in City Block 413, Lot 8 (One-year extension to begin construction)
 - Commissioner Egan made a motion to adopt the resolution and Commissioner O'Brien seconded the motion. A unanimous vote followed.
- Z-13-021 HOBART HOUSING CORP. – Site: 180-186 Hobart Avenue in City Block 322, Lots 1.01 & 3 (One-year extension to begin construction)
 - 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 6:45 p.m.

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

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