

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 20, 2017

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, March 20, 2017, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:07 p.m. Present at the meeting were Chairman Urban, Commissioners, Adams, Egan, Ferrante, LeFante, Lombari, Pellitteri, Dorans and O'Brien. Commissioner Pineiro was absent. Commissioner DiLullo was present but recused himself from the first application. He returned to the dais at the conclusion of the first application.

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 Adams made a motion to adopt the minutes of the regular meeting held on February 27, 2017. Commissioner O'Brien seconded the motion and a unanimous vote of eligible members followed.

Communications:

There were no communications.

Public Hearing:

Z-16-024 NICHOLAS and TARA DiLULLO – Site: 337 Kennedy Boulevard in City Block 270, Lot 14 *[The applicants are seeking bulk variance relief to all the construction of a carport in front of the dwelling.]*

Paul Weeks, Esq., attorney for the applicant moved his exhibits into evidence and called his first witness.

Witness:

Andrew L. Ciok, AIA, was sworn to provide expert testimony in support of the application. Mr. Ciok said that the applicant is seeking a bulk variance to allow the construction of a carport. He discussed the size of the carport and the variance needed for same. Mr. Ciok said that carports are common in the surrounding area. He advised that the applicants are willing to make a donation to the Street Tree Fund for one street tree.

Board questions:

Commissioner Egan questioned Mr. Ciok.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban opined that the variance relief requested can be approved without any detriment to the surrounding area.

The remaining commissioners agreed with Chairman Urban

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

Note:

Commissioner DiLullo was recognized as being present for the remainder of the meeting.

Hearing:

Z-17-004 DIANA SOBERAL – Site: 137 West 15th Street in City Block 244, Lot 1
[The applicant is seeking preliminary and final major site plan approval as well as use and bulk variance relief to convert the home into a three-family residential dwelling.]

Paul Weeks, Esq., attorney for the applicant entered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, AIA, PP was sworn to provide expert testimony in support of this application. Mr. Sambade AIA, PP, described the home as a three-family residence and said that the application before the Board is a technical application because the property was already a three-family home and the building footprint remains the same. The applicant has come before the Board because the home is listed on the tax records as a two-family. He testified further that the bulk variances required are for preexisting conditions. Mr. Sambade said that if this application is approved, there will be no site or interior work because the third unit is preexisting. Mr. Sambade also testified that a street tree would be added.

Board questions:

Chairman Urban and Commissioners Adams, Ferrante and Pellitterri questioned Mr. Sambade.

Caucus:

Chairman Urban said that the applicant has good intentions and he feels the application can be granted.

Commissioner Adams said that the evidence presented indicates that this has been a three-family dwelling prior to the ordinance. It would be unfair not to grant this approval of this application.

Commissioner Ferrante agreed that the applicant is looking to do the right thing.

Commissioners O'Brien, DiLullo, Dorans, Lombardi, Pellitteri, LeFante and Egan concurred.

Commissioner Ferrante made a motion to approve the application and Commissioner Lombardi seconded the motion. A unanimous vote followed.

Hearing:

Z-17-003 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, F.A.R. and bulk variance relief to allow the construction of a five-story 20-unit apartment building.]

Christopher Vitale, Esq., attorney for applicant moved his exhibits into evidence. Mr. Vitale pointed out that the applicant appeared before this Board with a previous application for this site, which application was withdrawn by the applicant. The applicant made substantial changes and has returned with a new application which is now before this Board for consideration.

Witness:

Sharon Bentley, a principal of applicant was sworn to provide factual testimony in support of the application. Ms. Bentley testified that EXCEL AP, LLC is a family owned entity

that was formed in 2003 with the purchase of this property. At that time, there was a dilapidated one-family home on the property that was demolished. She described the proposed number of units and how the one- (1) bedroom units were the preferred size units of the project. She also described the parking garage which would serve parking for twenty-one (21) cars. Ms. Bentley further testified that she reviewed the market that they anticipate renting to mostly professional singles or couples.

Board questions:

Commissioner Urban and City Planner Rodriguez questioned Ms. Bentley.

Audience questions:

There were no questions from the general public.

Witness:

Orestes Valella AIA, was sworn to provide expert testimony. Mr. Valella testified that he prepared the plans for this application. He described the site plan and discussed how the proposed building would fit in the area. He said that the applicant intends to construct the front façade of the building to compliment and resemble the architecture of Our Lady of Carmel Church which is across the street from the proposed site. Mr. Valella described the changes from the original application. He also explained how the trash would be handled. He addressed the City Planner and Engineer's comments and indicated the applicant is willing to put signage in the parking area along with the removal of wheel stops and he spoke of the security camera and two-way mirrors in the driveways for safety. He also agreed to place stairs to the rear yard from the 2nd floor.

Board questions:

Commissioners Adams, Egan, O'Brien, Russo and Pellitteri questioned Mr. Valella.

Audience questions:

Kerry Fryczynski, a neighbor and whose property is adjacent to the west of the proposed building was concerned that windows constructed on that side of the proposed building would cause a privacy issue for him and his family.

Mr. Valella suggested that the second floor of the building could be flipped to alleviate Mr. Fryczynski's concern of privacy.

Witness:

Brian Shortino, PE, of Bertin Engineering, provided expert testimony with regard to the engineering plans prepared by him. Mr. Shortino addressed our City Engineer's concerns regarding stormwater management.

Board questions:

There were no questions from the Board.

Audience questions

There were no questions from the general public.

Witness:

John McDonough, PP, was sworn to provide expert planning testimony. Mr. McDonough offered site photos into evidence which were marked as Exhibit A-22. He described the project as a "nice infill project". Mr. McDonough provided additional testimony in support of the positive and negative criteria. He said that it is his professional opinion that this is a good application from a planning standpoint. Mr. McDonough also addressed all of the

variances being requested and testified that they can be granted without any detriment to the public or surrounding area.

Board questions:

Commissioner Adams, Egan and City Planner Rodriguez questioned Mr. McDonough

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Vitale relied on the testimony provided and respectfully requested the Board approve the application.

Caucus:

Chairman Urban noted that the applicant made a number of changes based on the Board's comments and approval can be granted.

Commissioner Adams thanked the applicant for revising the plan, however, the intensity of the proposed development and design is too bulky for this site and he is not in favor of this application.

Commissioner Ferrante pointed out that this application falls within the TDO Zone and he is in favor of approving this application. He feels that it will fit in with the other mixed uses in the area.

Commissioner Pellitteri was pleased with the changes and was in favor of the application.

Commissioners O'Brien, DiLullo, Dorans, Lombardi and LeFante concurred that this is a good project.

Commissioner Egan said that he does not like the layout of the garage and he is not in favor of this application.

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

- Commissioners Urban, Ferrante, LeFante, Lombardi and Pellitteri voted in favor.
- Commissioners Adams and Egan voted against the application

Having received five affirmative votes, the application was APPROVED.

Adoption of Resolutions:

- **Z-17-001 ELZBIETA JEDRZEJCZYK – Site: 447 Avenue E in City Block 159, Lot 22**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Egan seconded the motion. A unanimous vote followed.
- **Z-16-023 GERARD RIZZO – Site: 1029 Avenue C in City Block 56, Lot 28**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi 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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