

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 17, 2017

A REGULAR MEETING of the Zoning Board of Adjustment was held on Monday, April 17, 2017, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:00 p.m. Commissioner Ferrante called the roll. Present at the meeting were Chairman Urban, Commissioners, Adams, Ferrante, LeFante, Lombardi, Dorans and Pineiro. Commissioner DiLullo, O'Brien, Pellitteri and Egan 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 Adams made a motion to adopt the minutes of the special meeting held on March 6, 2017. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

Commissioner Adams made a motion to adopt the minutes of the regular meeting held on March 20, 2017. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

Communications:

The Board received a letter dated April 14, 2017 from Peter Cecinini, Esq., attorney for application Z-17-008 Michael Bixenspanner, requesting this matter be adjourned to the May 15, 2017 due to the religious holiday.

Commissioner Adams made a motion to grant the adjournment to the next regular meeting scheduled for May 15, 2017 and Commissioner LeFante seconded the motion. A unanimous vote followed.

Public Hearing:

Z-15-026 DONNA RUSSO – Site: 329 Avenue A in City Block 261, Lot 30 *[The applicant is seeking use and bulk variance relief as well as preliminary and final major site plan approval to allow the conversion of the ground floor commercial space to a two-bedroom dwelling unit.]*

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

Witness:

Al Sambade, AIA, PP, PE, was sworn to provide expert testimony in support of this application. Mr. Sambade described the surrounding area and said that the applicant proposes to convert 830 sq. feet of the ground floor of the existing building into a residential unit. He said that the conversion would create a total of three residential units in the building. Mr. Sambade explained that access to the new residential unit would be off of Edwards Court. The entrance on Avenue A will be closed off. Mr. Sambade further testified that no site work is proposed. He addressed the three variances required, “d” variance, parking and usable open space. He said that the aesthetics from Avenue A will be redone and be better suited for the area.

Board questions:

Commissioners Pineiro, Ferrante and Lombari questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing remarks:

Paul Weeks, Esq., said that he feels the applicant has proven justification for the requested variances and respectfully requested the Board approve the application.

Caucus

Chairman Urban stated that he believes the applicant has met her burden of proof for an approval of the application. He said that the conversion of the building to all residential is better and a less intense use for the area and he is in favor of this application.

Commissioner Adams agreed that the applicant met her burden for the granting of the application.

Commissioner Dorans said that this proposal is more suitable for the site. The conversion to residential will have less impact on the surrounding neighborhood and residents.

Commissioner Lombari was in agreement as long as the applicant agreed to the condition to fix the building façade.

Commissioners Pineiro and LeFante concurred.

Commissioner Ferrante said that he has seen how difficult it is renting little deli type businesses over past few years. He said that this is a proper use that will fit in better with the neighborhood.

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

Public Hearing:

Z-17-007 GRACE WAREHOUSE, LLC – Site 13 West 41st Street in City Block 97, Lot 16 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to utilize the site as a garage/off-site storage facility.]*

Glen Keinz, Esq., attorney for applicant moved his exhibits into evidence and called his first witness.

Witness:

Al Sambade, AIA, PP, PE was sworn to provide expert testimony in support of the application. Mr. Sambade testified that the purpose of this application is solely to support the ministry of the Grace Lutheran Church store located on Avenue C and West 16th Street. The store provides new clothing and goods to the community and they are running out of space to store the items. The proposed site will solve the problem of storing the items that come in from New York and other places. The sale of these items provides the fund that the church needs to keep going. Mr. Sambade testified that the property was formerly used as an auto repair service. He said that the proposed use will be cleaner and a less intense use than previously existed at the site. Mr. Sambade also said that the applicant will replace a damaged waterline. Other than that no improvements are being proposed at the site. Mr. Sambade addressed the proposed signage. He said that the facility will be used strictly for storage of the goods and not for sale of any of the goods. Access to the facility will only be given to people working for and associated with Grace Lutheran. The warehouse would be accessed once per day and / or once per week. Mr. Sambade

further testified that this parcel was acquired by private members of the church who have donated or made some type of arrangement with the church. Mr. Sambade also gave testimony in support of the special reasons and positive and negative criteria needed for approval. He said that this is an inherently beneficial use.

Board questions:

Chairman Urban and Commissioners Ferrante, Pineiro, Lombardi and Dorans questioned Mr. Sambade. City Planner James F. Clarkin also questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing remarks:

Glen Keinz, Esq. said that he relies on the expert testimony given at this hearing and he respectfully requested the Board approve the application.

Caucus:

Chairman Urban said that the proposed use will be less intense and will not have a negative impact on the neighborhood. He said that the applicant has met its burden of proof with regard to the positive and negative criteria and this application should be approved.

Commissioner Adams said that granting the requested variance will not have a negative impact on the neighborhood nor will it damage the Zone Plan.

Commissioners Dorans, Lombardi and LeFante concurred with their fellow commissioners.

Commissioner Ferrante commented that it is clear that the intensity of the proposed use will clearly be less than what previously existed.

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

Public Hearing:

Z-17-006 QT REALTY, LLC – Site: 779 Broadway in City Block 131, Lot 19 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to allow the conversion of the commercial unit located on the ground floor rear of the building into a one-bedroom residential unit.*

Peter Cecinini, Esq., attorney for applicant, described the present site and said that the applicant is proposing to convert the entire building to residential. He offered his exhibits into evidence and called his first witness.

Witness:

Ting Zeng, principal and sole proprietor was sworn to provide factual testimony. Mr. Zeng described the building when he first purchased it in 2015. He testified that the vacant commercial space was formerly a law office and mortgage company that he wants to convert back to a residential unit consisting of a one-bedroom apartment. He testified that light rail is just one block away from the property.

Board questions:

Chairman Urban, Commissioners Ferrante, Adams and Dorans questioned Mr. Zeng.

Audience questions:

There were no questions from the general public.

Witness:

Stephen Kawalek, AIA, PP, was sworn to provide expert testimony in support of the application. Mr. Kawalek said that this is an existing three-story building with three commercial units on the first floor and two residential units above. He said that the applicant proposes to convert the first-floor commercial space into a residential unit creating a three-unit residential building. Mr. Kawalek said that the proposed use would be less intense and would fit more into the character of the neighborhood. He discussed the requested variances and provided testimony in support of same. He said that the granting of the variances would not cause detriment to the public health, safety and welfare of the neighborhood, nor would it impair the intent and purpose of the Zone Plan and Zoning Ordinance. Mr. Kawalek also testified that the applicant will scrape and paint the façade of the building and pay for a street.

Board questions:

Chairman Urban and Commissioner Lombardi questioned Mr. Kawalek.

Audience questions:

There were no questions from the general public.

Closing remarks:

Peter Cecinini, Esq., relied on the testimony from his client and expert and he respectfully requested the Board approve the application.

Caucus:

Chairman Urban commented that the use proposed is less intense and is a better fit into the neighborhood.

Commissioner Adams commented that the variances can be granted without negatively impacting the surrounding neighborhood.

Commissioners Dorans, Pineiro, Lombari, LeFante and Ferrante 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.

Adoption of Resolutions:

- **Z-16-024 NICHOLAS and TARA DiLULLO – Site: 337 Kennedy Boulevard in City Block 270, Lot 14**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombari seconded the motion. A unanimous vote followed.
- **Z-17-004 DIANA SOBERAL – Site: 137 West 15th Street in City Block 244, Lot 1**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.
- **Z-17-003 EXCEL AP, LLC – Site: 36-38 East 22nd Street in City Block 212, Lot 29**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombari seconded the motion. A unanimous vote followed.
- **Z-15-018 BAYONNE MUSLIMS A NJ NONPROFIT CORP., Site: 109 East 24th Street in City Block 443, Lot 5.01**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombari seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 7:30 p.m.

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

/lg