

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 15, 2017

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, May 15, 2017, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:04 p.m. Commissioner Adams called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Le Fante, Lombardi, Dorans, Pineiro, DiLullo, and O'Brien. Commissioners Egan and Pellitteri were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Alicia Losonczy, Clerk, Robert Russo, PE, consulting City Engineer and Peter Van Den Kooy, 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 April 17, 2017. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

Communications:

Board Counsel Richard Campisano read a letter to the Board dated April 18, 2017 from Edoardo Ferrante, Jr., Zoning Board of Adjustment Commissioner, announcing his resignation to the Board effective immediately and thanking them.

Public Hearing:

Z-17-010 Gary LaPelusa Landscaping, LLC – Site: 41 – 43 West 19th Street in City Block 220, Lot 5 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to allow the conversion of an existing building into three small commercial offices.]*

Leonard P. Kiczek, 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:

Al Sambade, of DAL Design Group, was sworn to provide expert testimony. Mr. Sambade testified that the applicant acquired the property in 2016 and would like to convert 11,000 square feet of vacant space on the second floor to three offices which would include toilet facilities but no expansion of space. Based on his research, the property has been in the same condition since 1934. Mr. Sambade stated that the applicant has a landscaping business office on the ground floor and may use one of the newly proposed offices upstairs.

Board questions:

Chairman Urban and Vice-Chairman Adams questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing remarks:

Leonard P. Kiczek, Esq., relied on the testimony from his client and expert and he respectfully requested the Board approve the application.

Caucus:

Chairman Urban said the offices are probably the best use. Approval of the application will not hurt the neighborhood in any way.

Commissioner Adams commented that the offices would be a good fit but requests that it complies with zoning; parking area should be paved with adequate lighting.

Commissioner Pineiro sees no negative impact and is in favor of the project.

Commissioners DiLullo, Dorans, O'Brien, Lombardi and Le Fante concurred.

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

Public Hearing:

Z-17-008 MICHAEL BIXENSPANNER – Site: 15 Cottage Street in City Block 319, Lot 4 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the conversion of the first-floor commercial space into a third dwelling unit in the existing building.]*

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

Witness:

The applicant, Michael Bixenspanner, was sworn to provide factual testimony in support of his application. Mr. Bixenspanner purchased the property in January of 2017. He described the three-story building and said that the use of the first floor was for a deli but it has been vacant for over three years. There are two vacant apartments on the second floor. He intends to renovate the first floor from a deli to a residential space. Mr. Bixenspanner explained that he will remove the satellite dishes that were questioned in the City Planner's report.

Board questions:

Vice Chairman Adams and Commissioner Urban questioned Mr. Bixenspanner.

Audience questions:

There were no questions from the general public.

Witness:

Alan Feld, AIA, was sworn to provide expert testimony in support of the application. Mr. Feld testified that the purpose of this application is to convert the existing commercial space into residential space. The applicant plans to maintain the existing façade for preservation purposes and believes the tenant will enjoy all the light that will come in from the large windows. Mr. Feld stated that the conversion will be a benefit to the area and there will be no negative impact to the neighborhood.

Board questions:

Chairman Urban, Vice-Chairman Adams and Commissioners Dorans and Le Fante questioned Mr. Bixenspanner. Richard Campisano, Esq., Board attorney stated that the Board's suggestions would be included in the resolution.

Audience questions:

There were no questions from the general public.

Closing remarks:

Peter Cecinini, Esq., stated 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 if the issues of parking and the façade will be addressed, it is a good move to change it to residential.

Vice Chairman Adams said the applicant showed his willingness to work with the City officials, therefore he is in favor of this application.

Commissioner Pineiro also agrees with the changes and believes it will be a good idea.

Commissioners DiLullo, Dorans, O'Brien, Lombardi, and Le Fante concurred.

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

(Commissioner Egan recused himself because of a conflict with the next application.)

Public Hearing:

Z-17-005 150 – 152 PROSPECT PARTNERS, LLC – 150 – 152 Prospect Avenue in City Block 434, Lots 21 and 22 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to convert the vacant commercial spaces into two studio apartments.]*

John Zucker, Esq., attorney for applicant moved his exhibits into evidence and called his first witness.

Witness:

Alan Feld, AIA, was sworn to provide expert testimony in support of the application. Mr. Feld testified the purpose of this application is to transform two commercial spaces that have been vacant for many years into two studio apartments. He stated there is no parking available on this property and there is no possible way to add it. He did say that the Light Rail is only four blocks from the site and within walking distance.

Board questions:

Vice-Chairman Adams and Commissioner Pineiro questioned Mr. Feld. Peter Van Den Kooy, PP, AICP, questioned what will be done with the impervious grassy area.

Audience questions:

There were no questions from the general public.

Witness:

Samuel Friedler, owner of the property, was sworn to provide expert testimony in support of his application. Mr. Friedler testified he purchased the property in December of 2015. He is looking to convert commercial space into two efficiency apartments. He stated there will be six units in one building, six units in the other, and one house in the back. He noted that public transportation is in close proximity to the site. He also said he will renovate the front exterior to meet City officials' standards, including the pervious area.

Board questions:

Commissioner Le Fante questioned Mr. Friedler.

Audience questions:

There were no questions from the general public.

Closing remarks:

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

Caucus:

Vice-Chairman Adams said that the proposed use will enhance the zone plan and spruce up the building, however, he did state the applicant should upgrade sidewalks in need or repair.

Commissioner Pineiro concurred.

Commissioner DiLullo has reservations about the number of units on the property and the fact that there is no parking.

Commissioner Dorans is in favor of the application. He does not see any negative influence since it is in a transit zone and within walking distance of the Light Rail.

Commissioners Lombardi and Le Fante concurred.

Commissioner O'Brien lives nearby and sees it as a benefit.

Adoption of Resolutions:

- **Z-15-026 DONNA RUSSO – Site: 329 Avenue A in City Block 261, Lot 30**
 - Commissioner Lombardi made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- **Z-17-007 GRACE WAREHOUSE, LLC–Site 13 West 41st Street in City Block 97, Lot 16**
 - Commissioner Lombardi made a motion to adopt the resolution and Commissioner Le Fante seconded the motion. A unanimous vote followed.
- **Z-17-006 QT REALTY, LLC – Site: 779 Broadway in City Block 131, Lot 19**
 - Commissioner Lombardi made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 7:36 p.m.

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

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