

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
AUGUST 21, 2017

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, August 21, 2017, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:05 p.m. Commissioner Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Egan, Lombardi, Dorans, Pineiro and De Ros.

Commissioners Adams, LeFante, Pelliteri and DiLullo were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Alicia Losonczy, Clerk, Robert Russo, PE, consulting City Engineer and Donald M. Meisel, 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 Lombardi made a motion to adopt the minutes of the regular meeting held on July 17, 2017. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Communications:

There were no communications.

Public Hearing (continuation):

Z-17-013 - 81 WEST 20TH STREET, LLC – Site: 81 West 20th Street in City Block 215, Lot 8 *[The applicant is seeking bulk variance relief for parking stall size and curb cut width]*

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

Witness:

Cheun Feng, Architect was sworn as an expert witness. Mr. Feng provided information on his educational background and experience. Chairman Urban recognized Mr. Feng as an expert. Mr. Feng testified that his client is seeking a bulk variance for parking stall size and curb cut width.

Board questions:

There were no board questions for Mr. Feng.

Audience questions:

Mr. Joseph Moawad, who resides at 79 West 20th Street, questioned Mr. Feng.

Closing Remarks:

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

Closed Caucus:

Chairman Urban feels all criteria has been met and this would result in a positive enhancement for the neighborhood. Commissioners Pineiro, DiLullo, Lombari, De Ros, Dorans and Egan concurred with Chairman Urban.

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

Public Hearing:

Z-17-015 – EOM 516 BROADWAY, LLC - Site: 516 Broadway in City Block 197, Lot 2 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the construction of a third floor to the existing building.]*

John Zucker, Esq., attorney for applicant moved exhibits into evidence and called his first and only witness. Mr. Zucker described the added value and vibrancy this project would bring to the Broadway corridor.

Witness:

Al Sambade, AIA, PP, PE, was sworn to provide expert testimony in support of this application. Chairman Urban recognized Mr. Sambade as an expert. Mr. Sambade described the building as a two-story structure with Kentucky Fried Chicken on the first floor and two vacant and dilapidated residential units making up the second floor. The applicant intends to add a third floor with four studio apartments; creating a total of eight apartments. A new central stair is included in the plan. The facades on Church Lane, the alleyway, and Broadway would receive significant exterior improvement. Mr. Sambade said the owner, Noah Friedman, feels the project will be a positive use for Broadway.

Mr. Sambade addressed our City Engineer's concerns regarding the disconnect between the survey and the deed. He will provide an accurate survey.

Board Questions:

Commissioner Egan asked if all the apartments will be compact. Mr. Sambade replied that the units will be studio apartments.

Chairman Urban asked if all entrances would be on Broadway. Mr. Sambade replied that all entrances will be located on Broadway.

Commissioner Pineiro asked if the building has a basement, side entrances or exits and if they meet fire code requirements. Mr. Sambade said that it does have a basement but it is used primarily for utility purposes and not intended for tenants' use. He added that there is no side entrance or exit and they will comply with all requirements.

Commissioner De Ros questioned if any structural enhancements would be needed for the third floor. Mr. Sambade said none would be required, only wood frame construction and he provided details of the layout.

Commissioner DiLullo asked if the rooftop can be used for recreational purposes. Mr. Sambade explained that the Kentucky Fried Chicken restaurant's exhaust hood is located there, therefore the roof could not be used in that respect.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

John Zucker, Esq. said that sufficient evidence has been presented to approve this application and requested the Board look favorably upon this application.

Closed Caucus:

Chairman Urban believes the proposed plan will help add to the revitalization of Broadway and is in favor of this application which will enhance Broadway. All Commissioners concurred with Chairman Urban.

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

Public Hearing:

Z-17-016 EOM 813 BROADWAY, LLC – Site 813 Broadway in City Block 113, Lot 16 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to covert a ground floor commercial space into two residential units and create six residential units on the second floor of the existing building.]*

John Zucker, Esq., attorney for applicant moved exhibits into evidence and called his first and only witness. Mr. Zucker explained it is currently a two-story mixed-use building with six residential units, but with only 25% occupancy, it is not marketable for commercial use.

Witness:

Al Sambade, AIA, PP, PE, was sworn to provide expert testimony in support of this application. Chairman Urban recognized Mr. Sambade as an expert. Mr. Sambade described it as a corner property with past medical use as the Kessler Rehabilitation but has been vacant for the past two years. Their intention is to modernize the building with a good bit of detailing and replace the bland, worn appearance. Mr. Sambade said that this development promotes and supports the Master Plan concepts.

Board Questions:

Commissioner Dorans questioned why there wasn't adequate parking.

Chairman Urban questioned the addition of new interior stairs and why there would be a handicapped parking space. Mr. Sambade discussed the new interior communal stairway and explained how all the units will be handicapped adaptable; therefore, if anyone requires it, there is a handicapped parking space available.

Commissioner Egan asked what happens if a non-handicapped resident maintains the handicapped spot as a regular spot. Mr. Sambade explained that if a handicapped tenant moves in, they then have priority to receiving that spot. Commissioner Egan and Mr. Sambade also

discussed the possibility of reconfiguration where if one apartment is possibly lost or they are made to be smaller, allowing one more parking space to be added. Mr. Sambade said he will come up with a workable solution.

Commissioner Dorans questioned if there would be tenant parking on Broadway. Mr. Sambade replied that it would not.

Commissioner Lombardi said if the eight apartments would end up with possibly fourteen apartments that creating as much parking as possible is suggested.

Commissioner DiLullo asked if a management company will be taking out the trash. Mr. Sambade said that they would.

Commissioner Pineiro discussed the architectural elevations on the plan.

Commissioner Egan asked if a redesign is possible.

Audience Questions:

Steve Koropsak, of 13 West 37th Street, lives two houses away and is concerned that this development will bring an additional eight to sixteen vehicles to the already congested neighborhood. He asked the Board to take that into consideration.

Johnathan Ball, of 11 West 37th Street, lives adjacent to the proposed property. He inquired if the parking spaces could be moved away from his property line, if grid lines could be placed and if the parking allowance could be reduced to eliminate vehicles from parking over his property line, thus, blocking his driveway. He also mentioned that the exterior of the area is not well maintained and asked if someone would be able to properly maintain it.

Closing Remarks:

John Zucker, Esq. said that the applicant is open to make modifications with reasonable combinations. He will return to the meeting on October 16, 2017 but will submit a revised plan in the meantime.

Closed Caucus:

Due to the many suggestions of the Board, Chairman Urban suggested the plan should be revised and brought back for consideration. He said it is a good application but there are also many good suggestions made from the Board. All Commissioners agreed a revised plan is recommended.

Commissioner Egan made a motion to carry the application to the October 16, 2017 meeting. Commissioner DiLullo seconded the motion and a unanimous vote followed.

A brief recess was taken at 7:53 and the meeting resumed at 8:02. Commissioner Egan called the roll.

Public Hearing:

Z-17-017 EOM 462 BROADWAY, LLC – Site 462 Broadway in City Block 211, Lots 6, 14 & 15 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to convert an existing warehouse into residential units and to construct a two-story addition.]*

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

Witness:

Al Sambade, AIA, PP, PE, was sworn to provide expert testimony in support of this application. Chairman Urban recognized Mr. Sambade as an expert. Mr. Sambade described the worthiness of the plan to develop this property. Mr. Sambade testified that it would be cost-

prohibitive to have the lower level utilized for parking due to the steel frame. He expressed that there would be continuity to the curb cut, building management personnel, and addressed the City Engineer's comments. Situated less than one block from the 22nd Street light rail station, the applicant believes an investment in this property revitalizes Broadway and supports the Master Plan.

Board Questions:

Commissioner Egan asked if there is trash collection on Egan Court. Mr. Sambade replied that there is. Commissioner Egan also inquired if the four apartments are linked to the back apartments. Mr. Sambade replied that it will function as two separate lots.

Commissioner De Ros asked if a fire suppression system will be provided. Mr. Sambade assured him all code standards will be satisfied.

Commissioner Lombardi suggested exterior lighting on Library Court and that cameras be made a condition for safety purposes.

Commissioner Pineiro questioned if the exhaust will come out to Library Court and if this was the former Pride Bakery. Mr. Sambade said the answer is yes to both inquiries.

Commissioner DiLullo discussed the gap between the buildings on the roof. Mr. Sambade said it is utilized for mechanicals, such as air conditioning units.

Mr. Sambade said they will comply with all recommendations made by the Board's experts.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

John Zucker, Esq. said that sufficient evidence has been presented to approve this application and requested the Board look favorably upon this application.

Closed Caucus:

Chairman Urban sees many positive elements in this application and doesn't see parking as an issue due to the many lots in the area. Commissioners Pineiro, DiLullo, Lombari, De Ros, Dorans and Egan concur.

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

Adoption of Resolutions:

- **Z-17-018 - MARIA CUATLAYOL - Site: 88-90 West 34th Street in City Block 138, Lot 53**
 - Commissioner Egan made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:33 p.m.

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

/akl