

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
SEPTEMBER 18, 2017

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, September 18, 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 Lombari called the roll. Present at the meeting were Chairman Urban, Commissioners DeRos, Dorans, LeFante, Lombari, Pelliteri and Pineiro.

Commissioners Adams, DiLullo and Egan 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 Lombari made a motion to adopt the minutes of the regular meeting held on August 21, 2017. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Communications:

There were no communications.

Public Hearing:

Z-17-002 - ALENA HILDEBRANDT – 17 Court Place in City Block 241, Lot 7 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variances to convert the home to a three-family residence.]*

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

Witness:

Stephen Kawalek, RA, PP, was sworn as an expert witness. Chairman Urban recognized Mr. Kawalek as an expert. Mr. Kawalek testified that the applicant is seeking preliminary and final major site plan approval along with use and bulk variances to convert the existing two-family house to a three-family residence. There are presently two apartments that have been vacant for many years due to incomplete renovations relating back to 1970. Mr. Kawalek explained the positive and negative criteria and the overall benefit for the public good.

Board questions:

Chairman Urban and Commissioner Lombardi questioned Mr. Kawalek.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Weeks reiterated the applicant's intention to complete the abandoned renovations that Mr. Hildebrandt started. He asked that the Board vote favorably upon this application.

Closed Caucus:

Chairman Urban stated that he is satisfied with the documents and testimony and is in favor of granting this application. Commissioners De Ros, Dorans, LeFante, Lombardi, Pelliteri and Pineiro concurred.

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

and a unanimous vote followed.

Commissioner LeFante recused himself from the next application due to a conflict of interest.

Public Hearing:

Z-17-019 – 29 8TH STREET BAYONNE, LLC – 29 West 8th Street in City Block 283, Lots 14, 15, 16, 17, 18 & 29 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to rehabilitate the existing mixed-use structure with commercial on the first floor and add 9 residential units.]*

Glenn C. Kienz, Esq., attorney for applicant moved exhibits into evidence and called his first witness.

Witness:

Alan Feld, Architect, was sworn to provide factual testimony in support of the application. Chairman Urban recognized Mr. Feld as an expert. Mr. Feld testified that the applicant is seeking preliminary and final major site plan approval along with bulk variance relief to rehabilitate the existing mixed-use structure with commercial on the first floor and to add nine residential units. The project will renovate the existing façade (including new windows), renovate the basement to create two new apartments and rehabilitate the entire exterior. Parking will be utilized in the rear parking lot. The refuse room, which will be completely vented, will be located in the basement. There will be nine apartments in total and a commercial space.

Board Questions:

Chairman Urban, Rob Russo, Commissioners Pineiro, De Ros, Dorans, and Pelliteri questioned Mr. Feld.

Audience Questions:

Dr. Zbigniew Moszczynski questioned Mr. Feld. Brian Philipson, the owner and applicant, advised Dr. Moszczynski that a manager would be responsible for proper trash removal.

Witness:

David Karlebach, PP, PC, was sworn to provide factual testimony in support of the application. Mr. Karlebach stated that the area is in the 8th Street Rehabilitation area. The commercial area was formerly rented to an attorney's office but is now vacant. There are four existing units and five additional units will be added. Parking is off-site but in very close proximity. Mr. Karlebach dubbed this street as "lawyer's row" and said the project promotes historic good, will add vitality to the area, and will bolster the local area. The site is particularly suited for the use and it promotes the goal of the rehabilitation plan. He said all site plan requirements as well as variance approval criteria have been met. He asked that the Board vote favorably on this application.

Board Questions:

Chairman Pineiro questioned if the building is structurally sound for the addition of a fourth floor considering it is over one hundred years old. Mr. Karlebach advised that it is.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

Glenn Kienz, 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 stated he believes this is a positive project that is a good fit for the area. The applicant has adhered to the City Engineer's concerns and has addressed the Historic Commission's suggestions. Commissioners Pellitteri, Pineiro, De Ros, Dorans, and Lombardi all concurred.

Commissioner Lombardi 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-17-020 - ALEKSANDER LYP – 676 Avenue A in City Block 161, Lot 45 *[The applicant is seeking a bulk variance for a roof overhang constructed on the existing detached garage in the rear yard of the property.]*

The applicant's son, Leo Lyp, moved his exhibits and explained the application to the Board.

Witness:

Mr. Leo Lyp explained that his father is seeking a bulk variance to construct a roof overhang on the existing detached garage in the rear yard of the property. The purpose of this overhang is to protect his lawn equipment and snow blowers from rain and snow. The overhang will extend from his garage to the fence on his property line.

Board Questions:

Chairman Urban asked if a contractor will be doing the work and if changes would be made to the garage. Mr. Lyp stated that his father would hire a contractor but there would be no changes to the garage.

Commissioner Pelliteri asked if the overhang would be permanent and if the fence and garage are the same height. Mr. Lyp replied that the overhang would be permanent and there is a slight slope between the fence and garage.

Commissioner Pineiro asked if the overhang would be anchored to the fence. Mr. Lyp replied that it would in fact be anchored, in order to be stable.

Commissioner De Ros asked if the overhang is attached to the house. Mr. Lyp replied that it is not.

Commissioner Pineiro asked if a gutter would be attached. Mr. Lyp said there will be a gutter installed on the overhang for proper drainage.

Audience Questions:

Residents Basil Barbour, Joseph Basile, Maryanne Varhol, Ihsan Barbound, and Judith Graf questioned Mr. Lyp.

Closing Remarks:

Mr. Lyp said the roof work was started and is presently unfinished. Once it is complete, it will look much better and add a selling point to the neighborhood. He asked the Board to approve his application.

Closed Caucus:

Commissioner De Ros asked Mr. Lyp if they could modify their proposed plan to have the overhang set back three feet from the boundary line and not end at the structure of the existing block wall, but rather be supported by independent posts. Mr. Lyp agreed to make these changes.

Commissioner Pineiro questioned the span of the overhang. Mr. Lyp stated that it is approximately sixteen and a half feet wide by twelve feet long. Commissioner Pineiro also asked if Mr. Lyp would request the necessary permits from the Building Department in order to have an inspector view the project. Mr. Lyp replied that they would obtain all permits.

Chairman Urban commented that he agrees that setting it back three feet from the fence as opposed to on top of the fence may not infringe as much on his neighbors.

Commissioner Pelliteri made note that all building permits and inspections must be done accordingly, with safety as a main priority. The applicant agreed.

Commissioner Lombardi stated that it was a good decision for the applicant to agree to the movement. He is in favor of the application as long as he obtains permits and inspections

The other commissioners concurred.

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

Adoption of Resolutions:

- **Z-17-013 – 81 WEST 20TH STREET, LLC - Site: 81 West 20th Street in City Block 215, Lot 8**
 - Commissioner Pelliteri made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- **Z-17-015 –EOM 516 BROADWAY, LLC - Site: 516 Broadway in City Block 197, Lot 2**
 - Commissioner Pineiro made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.
- **Z-17-017 – EOM 462 BROADWAY, LLC - Site: 462 Broadway in City Block 211, Lots 6, 14, and 15**
 - Commissioner Lombardi made a motion to adopt the resolution and Commissioner Pelliteri seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 7:50 p.m.

Susan Bischoff, Certified Shorthand Reporter, 449 Columbia Boulevard, Wood-Ridge, NJ 07075 took a transcript of the meeting.

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