

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
OCTOBER 16, 2017

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, October 16, 2017, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:08 p.m. Commissioner Egan called the roll. Chairman Urban, Commissioners Adams, Egan, De Ros, Dorans, Lombardi and Pineiro were present.

Commissioners DiLullo, LeFante and Pelliteri 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 Pineiro requested a correction be made on page four where he is incorrectly referred to as Chairman instead of Commissioner. Commissioner Lombardi made a motion to adopt the minutes of the regular meeting held on September 18, 2017 once the correction has been made. Commissioner Dorans seconded the motion and a unanimous vote of eligible members followed.

Communications:

Letter dated September 28, 2017 from John Zucker, Esq. for EOM 813 BROADWAY, LLC requesting the application be withdrawn for project Z-17-016 – 813 Broadway in City Block 113, Lot 16.

Public Hearing:

Z-17-022 – JOEL THERVIL – Site 67 Evergreen Street in City Block 320, Lot 15 *[The applicant is seeking a d(1) use variance to allow the construction of an addition to the existing home.]*

The applicant, Joel Thervil, asked that the Board accept his exhibits.

Witness:

Al Sambade, an Architect from DAL Design Group, was sworn as an expert witness. Mr. Sambade provided information on his experience and Chairman Urban recognized Mr. Sambade as an expert. Mr. Sambade testified that the applicant is seeking a d(1) use variance to allow the construction of an addition to the existing home. It will remain a two-family house but the third-floor addition would be part of the second floor. He believes there are no direct negative impacts with this application.

Board questions:

Chairman Urban and Commissioner Adams questioned Mr. Sambade.

Audience questions:

Dolores H. Decker from 60 Evergreen Street spoke in support of this application.

Closing Remarks:

The applicant respectfully requested the Board approve this application.

Closed Caucus:

Chairman Urban said based on the testimony, he believes it is a positive application and would be good for the neighborhood. Commissioner Adams, Pineiro, De Ros, Dorans, Lombardi and Egan concurred.

Commissioner Adams 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.

Public Hearing:

Z-17-021 – GEORGE BRATTOLE – Site: 538-544 Kennedy Boulevard in City Block 215, Lot 44 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the conversion of a ground floor commercial space to a residential unit in the existing building.]*

Stephen S. Rose, Esq., attorney for applicant moved his exhibits into evidence and called his first and only witness.

Witness:

George Brattole has owned the property since 1981. He described the building as mixed-use with commercial in the back and side street. It is the former Veritas Italian Political Club. It was rented to a Spanish church and then vacant for the past eight years. The applicant has had much difficulty trying to rent it. If approval is given tonight, he will then obtain approval from the County. He will make a contribution to the tree fund.

Board Questions:

Commissioners De Ros, Dorans, Pineiro and Consulting City Planner Don Meisel questioned Mr. Brattole.

Witness:

Stephen Kawalek, an Architect from Kawalek & Kawalek, was sworn as an expert witness. Mr. Kawalek provided information on his experience and Chairman Urban recognized Mr. Kawalek as an expert. Mr. Kawalek testified that it is a two-story, mixed-use building. The area was formally set up as a social club and can be converted to an apartment with little or no

modifications. The site is particularly well-suited for this use and should give a benefit to the public good.

Board Questions:

Chairman Urban, Commissioners Egan and De Ros questioned Mr. Kawalek

Audience Questions:

There were no questions from the audience.

Closing Remarks:

Stephen S. Rose, 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 that he is in favor of granting the application as long as the concerns of the Commissioners are addressed. Commissioners Adams, Pineiro, De Ros, Dorans and Lombardi concurred with Chairman Urban. Commissioner Egan said he will vote against the application.

Commissioner Adams 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 vote followed with Chairman Urban and all Commissioners voting in favor of the application except Commissioner Egan who voted no.

Public Hearing:

Z-17-024 – JOHN AND LINDA ESPOSITO – Site: 546-548 Kennedy Boulevard in City Block 209, Lots 51 and 52 *[The applicant is seeking preliminary and final major site plan approval as well as use and bulk variance relief to convert the ground floor, use and bulk variance relief to allow the conversion of a ground floor commercial space to a dwelling unit.]*

Stephen S. Rose, Esq., attorney for applicant moved his exhibits into evidence and called his first witness. He explained there was a convenience store at the ground level but it is now vacant. Mr. Rose said the applicant, John Esposito, lives in the premises.

Witness:

The applicant, John Esposito, said he resides at 548 Kennedy Boulevard. The building occupies the entire parcel therefore there is no room for parking. He used to own a meat market at the location and then sold it. The ground level commercial area continued as a meat market for one more year and was then rented to someone else who used it as a convenience store. Mr. Esposito could not rent it after the last convenience store left. His plan is to move downstairs and rent the upstairs apartment. If the application is approved, they are willing to go before the County Board for approval as well.

Board Questions:

Commissioner Lombardi and Chairman Urban questioned Mr. Esposito.

Audience Questions:

There were no questions from the audience.

Witness:

Stephen Kawalek, an Architect from Kawalek & Kawalek, was sworn as an expert witness. Mr. Kawalek provided information on his experience and Chairman Urban recognized Mr. Kawalek as an expert. Mr. Kawalek testified that the application is very similar to the last

application. He testified that there is no off-street parking as the building covers ninety percent of the lot. The applicant would like to convert the store into an apartment for their own use. Mr. Kawalek stated that exterior improvements will marry the two buildings together. He also stated that the application will add a benefit to the public good.

Board Questions:

Chairman Urban asked if the exterior will look like a store. Mr. Kawalek said there will be an entirely new façade treatment, residential-type windows, a wrap-around roof, decorative columns, and masonry features to make the appearance more aesthetically pleasing. A new entry gate will be added for security to the second-floor unit and there will be repairs made to the fire escape.

Commissioner Egan questioned Mr. Kawalek.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

Steven S. Rose, Esq. asked the Board to approve the proposed application.

Closed Caucus:

Chairman Urban said he will be in favor of granting the application. Commissioner Adams said the improvements to the exterior help change the commercial look and believe it will be positive for the neighborhood. Commissioners Pineiro, De Ros, Dorans, Lombardi, and Egan concurred.

Commissioner Adams 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.

Adoption of Resolutions:

- **Z-17-002 – ALENA HILDEBRANDT - Site: 17 Court Place in City Block 241, Lot 7**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-17-019 – 29 8th STREET, LLC - Site: 81 West 20th Street in City Block 283, Lots 14, 15, 16, 17, 18 and 29**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-17-020 – ALEKSANDER LYP – Site: 686 Avenue A in City Block 161, Lot 45**
 - Commissioner Adams 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 7:11 p.m.

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

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