

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
DECEMBER 18, 2017

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, December 18, 2017, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:26 p.m. Commissioner LeFante called the roll. Present at the meeting were Chairman Urban, Commissioners LeFante, Adams, Pineiro and De Ros.

Commissioners Egan, Pelliteri, Dorans, Lombardi, DiLullo and Simmons were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Alicia Losonczy, Zoning Board Secretary, Robert Russo, PE, consulting City Engineer and Donald M. Meisel, 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 regular meeting held on November 20, 2017. Commissioner LeFante seconded the motion and a unanimous vote of eligible members followed.

Communications:

There were no communications.

Board Reorganization

- **Election of officers (nominated and unanimously voted in):**

- Mark Urban, Chairman
- Clifford Adams, Vice-Chairman
- Jan Patrick Egan, Secretary

- **Appointment of Support Personnel**

- Richard N. Campisano, Esq., Board Attorney
- Suzanne Mack, P.P., City Planner
- Robert Russo, P.E. Consulting City Engineer
- Donald M. Meisel, P.P., Consulting City Planner
- Lillian Glazewski, Land Use Administrator
- Alicia Losonczy, Zoning Board Secretary
- Susan Bischoff, Certified Shorthand Reporter

- **Adoption of 2018 Calendar**

The following are the dates for the regular meetings to be held in 2018 were read by Commissioner LeFante and unanimously adopted.

January 23, 2018 (Alternate date)
February 27, 2018 (Alternate date)
March 20, 2018
April 17, 2018
May 15, 2018
June 19, 2018
July 17, 2018
August 21, 2018
September 18, 2018
October 16, 2018
November 20, 2018
December 18, 2018

The regular meeting dates for 2018 will be published in the Jersey Journal and Star Ledger as required under the Open Public Meetings Act Municipal Land Use Law, N.J.S. 40:55D-9.

Public Hearing:

Z-17-032 – JOSEPH BILOTTA – Site: 378 Kennedy Boulevard in City Block 256, Lot 47 *[The applicant is seeking a Certificate of Nonconformity for continued use as a three-family residential dwelling.]*

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

Witness:

Mr. Joseph Bilotta said he has owned the property since 1996 and that the property record card from the City indicates three residential units since 1990. Mr. Bilotta stated he has paid taxes on this three-family house since he took ownership. He has received an inspection notice from the Bayonne Fire Department classifying it as a three-family residence.

Board questions:

Commissioners De Ros and Adams questioned Mr. Bilotta.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Weeks said that the evidence shows it has been a three-family residence and asked the Board to look favorably upon this application.

Closed Caucus:

Chairman Urban stated that the applicant has provided the necessary evidence and will vote in favor of granting this application.

Commissioners Adams, Pineiro, De Ros and LeFante 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 of eligible members followed.

Public Hearing:

Z-17-025 – WALEID SHOUSHA – Site: 48 East 38th Street in City Block 114, Lot 23
[The applicant is seeking a bulk variance for parking stall size.]

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

Witness:

Alexander Ovejas, Architect, was sworn to provide expert testimony on behalf of the application. Chairman Urban recognized Mr. Ovejas as an expert. Mr. Ovejas testified that the applicant is applying for a variance for an undersized carport. They are restricted to what is there; the house, foundation wall or fence cannot be moved and they cannot park under the porch. There is no way to extend the carport to the house or in any other direction. They would need to slightly shift the curb cut. Mr. Ovejas explained the application is not detrimental to any of the neighbors or to the neighborhood.

Board Questions:

Chairman Urban questioned Mr. Ovejas.

Audience Questions:

Mr. Waleid Shousha spoke regarding the size of the car that will be parked in the carport. He is aware that the vehicle should not encroach onto the sidewalk.

Closing Remarks:

Mr. Weeks said that if approved this application will not negatively affect the

neighborhood. There was sufficient evidence provided and he asked that the Board look favorably upon this application.

Closed Caucus:

Chairman Urban said if the grassy area were able to be covered with concrete, it might be easier for a person to walk there.

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 of eligible members followed.

Public Hearing:

Z-17-027 – JKL RENTALS 369, LLC – Site: 369 Avenue A in City Block 249, Lot 28 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to convert the ground floor into a residential unit creating three residential units in the existing building.]*

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

Witness:

Al Sambade, Architect, was sworn to provide expert testimony on behalf of the application. Mr. Sambade stated that he was retained by the applicant and Chairman Urban recognized him as an expert. He testified that the applicant would like to convert a former plumbing contractor's workshop to a residential unit in the two and a half story building. The applicant is seeking variances for parking, use and usable open space, moving the property from commercial to residential. The conversion will harmonize this space with its environment. Mr. Sambade discussed how the positive criteria relates to this application and that the benefits substantially outweigh any detriments.

Board Questions:

Commissioner Adams questioned Mr. Sambade.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

Mr. Weeks asked the Board to approve this application.

Closed Caucus:

Chairman Urban said that the change from commercial to residential fits in more with the neighborhood and is a much less intense use. He is in favor of this application. Commissioners Adams, Pineiro, De Ros, and LeFante concurred.

Commissioner Adams made a motion to approve the application subject to any and all conditions agreed to and spread across the record. Commissioner LeFante seconded the motion and a unanimous vote of eligible members followed.

Public Hearing:

Z-17-028 – RONALD and ANN IGLESIAS – Site: 617 Avenue E in City Block 110, Lot 20 *[The applicant is seeking a bulk variance for lot coverage.]*

Christopher D. Vitale, Esq. attorney for the applicant, moved his exhibits into evidence and called his first witness.

Witness:

Ronald Iglesias, the homeowner, was sworn in to provide factual testimony. He stated he purchased the single-family home in November 1991 and that he is originally from Bayonne. He is retired now but used to work in the pharmaceutical industry. He is asking to add a modest two-story addition to his house. He gets along well with the neighbors on both sides and if

approved, his house would end where their homes end. If approved, construction would begin in March of 2018.

Board Questions:

Chairman Urban questioned Mr. Iglesias.

Audience Questions:

There were no questions from the audience.

Witness:

Donald Chin, Architect, was sworn to provide expert testimony on behalf of the application. He stated that he was retained by the applicant and Chairman Urban recognized him as an expert. Mr. Chin testified that the applicant is seeking a bulk variance for lot coverage. The addition to the home would make the applicant's house line up adjacently with the other houses on that block.

Board Questions:

Commissioner Adams questioned Mr. Chin.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

Mr. Vitale asked the Board to approve this application.

Closed Caucus:

Chairman Urban said he feels there is no negative impact to the neighborhood and is in favor of granting this application. Commissioners Adams, Pineiro, LeFante and De Ros concurred.

Commissioner Adams made a motion to approve the application subject to any and all conditions agreed to and spread across the record. Commissioner LeFante seconded the motion and a unanimous vote of eligible members followed.

Public Hearing:

Z-16-022 – 409 KENNEDY BOULEVARD, LLC – 409 Kennedy Boulevard in City Block 250, Lot 14 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to allow the conversion of a commercial space into one residential apartment in an existing non-conforming building.]*

Anthony Arturi, Esq., attorney for the applicant, moved his exhibits into evidence and called his first witness.

Witness:

The applicant, Robert Slowikowski, owner of the property, is originally from Bayonne. He explained that the retail store on this property has been vacant for over a year and a half and he has had difficulty renting it. He is looking to convert it to a two-bedroom apartment. Mr. Slowikowski said almost the entire block is residential. He believes if it remains as a commercial use, he will continue to have difficulty renting it. The footprint of the building would not change. Mr. Slowikowski would provide improvements to the windows and the façade would be spruced up.

Board questions:

Commissioner De Ros questioned Mr. Slowikowski.

Audience questions:

There were no questions from the general public.

Witness:

Jose I. Carballo, R.A., an Architect from JCA Group, P.C., was sworn as an expert witness. Mr. Carballo provided information on his experience and Chairman Urban recognized him as an expert. Mr. Carballo testified that he prepared the plans for the applicant who is seeking to convert the retail unit on the first floor to a two-bedroom apartment. He will remove the existing commercial windows with more residential-style windows. Mr. Carballo explained the variance is pre-existing but the parking will be a wash between the commercial and residential parking requirements. He further explained that the neighborhood is primarily residential and there would be no detriment to the community if approval was granted. The residential character of the building would be maintained and the project would actually be alleviating an eyesore.

Board questions:

Commissioner De Ros questioned Mr. Carballo.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Arturi relied on the testimony provided and respectfully requested the Board approve the application.

Closed Caucus:

Chairman Urban believes that based on the testimony the conversion will bring the building into zoning conformity. The residential use would be a much more productive use for the neighborhood. Commissioners Adams, Pineiro, LeFante, and De Ros 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 of eligible members followed.

Adoption of Resolutions:

- **Z-17-023 – HUDSON PROPERTY HOLDINGS, LLP - Site: 87 West 43rd Street in City Block 88, Lot 15**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner LeFante seconded the motion. A unanimous vote of eligible members followed.
- **Z-17-014 – BRIDGES GYMNASTICS CENTER, INC. - Site: 56 New Hook Road in City Block 426, Lot 2**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner LeFante seconded the motion. A unanimous vote of eligible members followed.
- **Z-17-026 – LEVIN PROPERTIES, LP - Site: 21-33 East 53rd Street in in City Block 36, Lots 4 and 5**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner LeFante seconded the motion. A unanimous vote of eligible members followed.

A motion was made to close the meeting at 7:35 p.m.

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

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