

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JANUARY 22, 2018

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, January 22, 2018, 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, Dorans, LeFante, Adams, Lombardi, Pineiro and Simmons. Commissioners De Ros, DiLullo and Pelliteri were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Alicia Losonczy, Zoning Board of Adjustment Secretary, Robert Russo, PE, consulting City Engineer and Malvika Apte, PP, AICP 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 December 18, 2017. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Communications:

A letter received from Paul Weeks, Esq., attorney for application Z-17-029; 377 BROADWAY REALTY, LLC requesting an adjournment until next month's meeting due to his Architect being unable to appear.

Commissioner Adams made the motion to grant the adjournment until the next meeting which is February 26, 2018, with no further notice required. The motion was seconded by Commissioner LeFante. A unanimous vote of eligible members followed.

Public Hearing:

Z-18-001– ESTATE OF MICHELINA ORLANDINI (STEPHEN KOWALSKI, EXECUTOR) – Site: 159 West 21st Street in City Block 207, Lot 5 *[The applicant is seeking a Certificate of Nonconformity for the use of the property as a three-family residence.]*

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

Witness:

Mr. Stephen Kowalski, applicant and owner of the property, was sworn in as a witness. Mr. Kowalski stated he is the Executor for the Estate of Michelina Orlandini and her nephew. He has personal knowledge of a studio apartment unit in the basement and two units on the upper floor. He also stated that tax records and previous tax payments reflect a three-family home since his aunt purchased the property 1974. He noted that all three apartments have separate kitchens and bathrooms and the homeowner's insurance is for a three-family dwelling.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Closing Remarks:

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

Closed Caucus:

Chairman Urban said that based on the documents provided, the dwelling should continue as a three-family and will vote in favor of this application. His fellow commissioners 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-17-01 – MAJID MIRZA – Site: 104 West 44th Street in City Block 88, Lot 48 *[The applicant is seeking a bulk variance for parking stall size pursuant to Section 35-17.5 of the City of Bayonne Zoning Ordinance.]*

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

Witness:

Martha Brazoban, R.A, AIA, was sworn in to provide factual testimony in support of the application. Chairman Urban accepted her testimony as an expert witness. Ms. Brazoban described the project as an existing empty lot where the applicant would like to construct a three-family house. They are requesting a variance for parking. Ms. Brazoban sees no negative criteria in regard to this application and says the applicant meets all of the zoning requirements except the relief they are seeking for parking stall size.

Board Questions:

There were no questions from the Board.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

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

Closed Caucus:

Chairman Urban stated that this is an improvement to an empty lot. Newer homes on the block and this project would be a positive impact and relief should be granted. His fellow Commissioners 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.

Public Hearing:

Z-17-034 – NADINE SMITH – Site: 584 Avenue E in City Block 405, Lot 7 *[The applicant is seeking a bulk variance to construct a carport-driveway.]*

Nadine Smith, Applicant, asked the Board to accept her exhibits and explained the application to the Board.

Witness:

Nadine Smith, was sworn in as a witness. She explained that she is seeking a bulk variance to construct a carport on her property. It will be a concreted carport that will go right up to the house, eliminating the small garden area with wooden wall around it. There will be sufficient space to get out of the vehicle and go up the stairs. The carport will not extend into the sidewalk where people will walk.

Board Questions:

Chairman Urban, Commissioners Pineiro, Egan, and consulting City Engineer Rob Russo, P.P. questioned Ms. Smith.

Audience Questions:

Herman Bullock, who resides at 588 Avenue E, questioned Ms. Smith. Jeevanchand Yemineni, property owner of 582 Avenue E, questioned Ms. Smith.

Closing Remarks:

Sworn in:

Barbara Bowens, resident of 588 Avenue E, was sworn in as a witness. Ms. Bowens objected to the application. She feels it will mess with property values, detract from the block's curb appeal and added that no one on that block has a carport there. She also asked the Board to recognize that parking is a large issue in Bayonne.

Jeenvanchand Yemineni was sworn in as a witness and spoke in support of the application.

Sparkle Bowens, a resident of 588 Avenue E, said that there may not be enough room for it and feels that it will look ratty.

Nadine Smith said she is taking out the dirt and low wooden wall from the small garden area, putting in concrete and assures that it will look nice as well as be maintained. She respectfully requested the Board approve the application.

Closed Caucus:

Chairman Urban said he doesn't see negative impact if this application is approved and is in favor of it. His fellow Commissioners concurred.

Commissioner Adams 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 of eligible members.

Adoption of Resolutions:

- **2017 Report of Business for the Zoning Board of Adjustment**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed of eligible members.
- **Z-17-032 –JOSEPH BILOTTA–Site: 378 Kennedy Boulevard in City Block 256, Lot 47**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-17-025 – WALEID SHOUSHA – Site: 48 East 38th Street in City Block 114, Lot 23**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-17-027 – JKL RENTALS 369, LLC – Site: 369 Avenue A in City Block 249, Lot 28**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner LeFante seconded the motion. A unanimous vote followed.
- **Z-17-028 – RONALD and ANN IGLESIAS – Site: 617 Avenue E in City Block 110, Lot 20**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner LeFante seconded the motion. A unanimous vote followed.
- **Z-16-022 – 409 KENNEDY BOULEVARD, LLC – Site: 409 Kennedy Boulevard in City Block 250, Lot 14**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Egan seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 6:46 p.m.

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

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