

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 19, 2018

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, March 19, 2018, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:11 p.m. Commissioner Egan called the roll. Present at the meeting were Commissioners Adams, Egan, LeFante, Lombardi, Pineiro, De Ros and Simmons. Chairman Urban, Commissioners Pellitteri, Dorans, and DiLullo 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, P.P., 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.

Communications:

Richard N. Campisano, Esq. read a request from Paul Weeks, Esq., attorney for application Z-17-004, located at 137 West 15th Street in City Block 244, Lot 1, wherein the applicant is seeking a six-month extension.

Commissioner Adams made a motion to grant the extension to September 19, 2018. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Public Hearing:

Z-18-002– MICHAEL LOJEWSKI – Site: 58 Zabriskie Avenue in City Block 368, Lot 2 *[The applicant is seeking bulk variance relief for minimum rear yard setback for the construction of a deck.]*

The applicant, Michael Lojewski, asked the Board to move his exhibits into evidence. He explained that he is looking to extend his deck around his swimming pool and is a life-long resident of Bayonne.

Board questions:

Commissioner Adams questioned Mr. Lojewski.

Audience questions:

There were no questions from the general public.

Closing Remarks:

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

Closed Caucus:

Chairman Urban saw no reason to deny this application, therefore will be voting in favor of it. His fellow commissioners concurred.

Commissioner Egan 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 of eligible members followed.

Public Hearing:

Z-18-005 – MILLWRIGHT, LLC – Site: 86 Hobart Avenue in City Block 359, Lot 10.01 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to permit a ground-floor residential apartment.]*

Paul N. Weeks, Esq., attorney for the applicant, requested that the matter be adjourned until the April 16, 2018 meeting.

Vice-Chairman Adams made a motion to move the application to the April 16, 2018 meeting. Commissioner Egan seconded the motion and a unanimous vote followed.

Public Hearing:

Z-17-029 – BROADWAY REALTY, LLC – Site: 377 Broadway in City Block 239, Lot 13 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to permit a ground floor residential apartment.]*

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

Witness:

Al Sambade, RA, PP, from DAL Design Group, was sworn in as an expert witness. He provided information on his experience and Chairman Urban recognized Mr. Sambade as an expert. Mr. Sambade testified that the applicant is seeking to legalize an existing ground floor unit which is not currently a permitted use. It would not require any interior or exterior work; simply a paper-approval of this use as there are no physical modifications proposed.

Mr. Sambade testified that if approved, the application will serve the general welfare of the public. The variance is justifiable and consistent with the Master Plan. He stated that the variance would be more beneficial than detrimental.

Board Questions:

Commissioner Adams asked if the apartment had been occupied. Jim Taipi, sole principal of the property, said the apartment has been occupied in the past but not recently.

Chairman Urban asked if there is enough space for safe entrance going in through the driveway. Mr. Sambade did not see any issues with this as proper, safe access to the apartment is through the driveway.

Chairman Pineiro questioned the entrance in the driveway; if entrance to the commercial space is on Broadway and there is a car parked in the driveway, could a medical vehicle get through if a car is parked there. Mr. Sambade said there is adequate means of egress with fire windows and there is also room to move around the parked vehicle if needed.

Commissioner DiLullo asked if it was always a residential unit. Mr. Sambade says he doesn't believe it has been but estimates it has been that for approximately twenty years.

Commissioner De Ros asked if the car could go further than pictured on the plan. Mr. Sambade said a bollard can be placed as a block for the car not to go any further.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

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

Closed Caucus:

Chairman Urban feels that the applicant has met all of the conditions of approval 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 Pineiro seconded the motion and a unanimous vote followed.

Public Hearing:

Z-17-030 – 128 JFK, LLC – Site: 128 Kennedy Boulevard in City Block 335, Lot 12
[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to allow the construction of a new three-story, four-unit development.]

John Zucker, Esq., the attorney for the applicant, moved his exhibits into evidence and called his first witness Mitchell Burakovsky. It was explained that Mr. Burakovsky built houses nearby on adjacent lots located on Trask Avenue. For this application, however, the applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to allow the construction of a new three-story, four-unit development.

Witness:

Al Sambade, RA, PP, from DAL Design Group, was sworn to provide factual testimony in support of the requested variances. Mr. Sambade explained that the project is located on a very unusual piece of property. He explained that it needs to be demolished due to its dangerous condition. The application is looking to construct a three-story building with three-car parking and meeting ADA requirements. The ground floor will have a garage, lounge area and a small residential elevator. The second and third floors both have apartments with high quality interior finishes and there will be building-mounted lighting on the exterior. The applicant attended a Technical Review Committee meeting and although they initially had a slightly different version of this application, modifications were made to the plan. He outlined the variance conditions that were required as a result of this application.

Mr. Sambade testified further that the granting of the requested variances would not impair the intent and this plan is consistent with the fabric of the area. If approved, the applicant will take immediate action to take down a fire-hazard, dilapidated blight on the neighborhood. He

explained further that the applicant will encounter difficulty with developing this sight due to the irregular geometry of the location. Mr. Sambade concluded that the balancing test weighs in favor of this application and negative criteria does not outweighs the positive impact of this application.

Board Questions:

Chairman Urban, Commissioners Egan, Adams, De Ros, and DiLullo questioned Mr. Sambade. Consulting City Engineer Robert Russo, P.P. said that it is a less intense plan since the Technical Review Committee meeting and sees today's plan as a better one.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

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

Closed Caucus:

Chairman Urban said that considering the irregular shape of the property, he feels the application is a favorable compliment to the property and will be voting in favor of the application. His fellow commissioners concurred.

Commissioner Egan 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 followed.

Adoption of Resolution:

- **Z-17-004 DIANA SOBERAL – Site: 137 West 15th Street**
 - Commissioner Egan made a motion to adopt the resolution and Commissioner Adams seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 7:28 p.m.

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

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