

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 16, 2018

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, April 16, 2018, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:02 p.m. Richard N. Campisano, Esq. called the roll. Present at the meeting were Chairman Urban, Commissioners LeFante, Lombari, Pellitteri, Dorans, Pineiro, DiLullo and De Ros were present.

Vice Chairman Adams, Commissioners Egan and Simmons were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Alicia Losonczy, Zoning Board of Adjustment Secretary, Darren Mazzei, PE, CME, 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.

Adoption of Minutes:

Commissioner Lombari made a motion to adopt the minutes of the special and regular meetings held on March 12, 2018 and March 19, 2018. Commissioner DiLullo seconded the motion and a unanimous vote of eligible members followed.

Communications:

Richard N. Campisano, Esq. read a letter from Paul N. Weeks, Esq., attorney for application Z-18-004; RICHARD CHERCHIO, located at 122 West 39th Street in City Block 107, Lot 13, requesting an adjournment until next month's meeting scheduled for May 21, 2018.

Commissioner Lombardi made a motion to grant the adjournment. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Richard N. Campisano, Esq. read a letter from Paul N. Weeks, Esq., attorney for application Z-18-006; EHTISHAM RAHAT HUSSAIN, located at 1031 Broadway in City Block 53, Lot 24, requesting an adjournment until next month's meeting scheduled for May 21, 2018.

Commissioner Lombardi made a motion to grant the adjournment. Commissioner LeFante seconded the motion and a unanimous vote of eligible members followed.

Richard N. Campisano, Esq. read a letter from Paul N. Weeks, Esq., attorney for application Z-18-005; MILLWRIGHT, LLC, located at 86 Hobart Avenue in City Block 359, Lot 10, requesting an adjournment until next month's meeting scheduled for May 21, 2018.

Commissioner Lombardi made a motion to grant the adjournment. Commissioner Pellitteri seconded the motion and a unanimous vote of eligible members followed.

Public Hearing:

Z-18-003 – PR BUILDERS, LLC – 82 – 84 East 31st Street; Block 107, Lot 13 *[The applicant is seeking to amend a January 15, 2016 approval to construct a luxury three-story apartment house with a total of seven (7) dwelling units which includes a penthouse unit. The new proposal is to construct the three-story apartment house with an at-grade garage parking and a total of six (6) one-bedroom units including a penthouse unit.]*

William J. Finnerty, 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 explained that this application asks to grant amendments to a project that was approved on February 22, 2016; downgrading the size of the project. The current amended proposal eliminates one residential floor and an at-grade garage parking. The amended plan calls for one less unit and all the units are smaller. It would also require seven parking spaces but eight parking spaces would be provided. Mr. Sambade testified that there is no dispute with any of the experts' reports and the applicant will comply with the suggestions.

Board questions:

There were no questions from the Board for Mr. Sambade.

Audience questions:

Resident Bill Davis questioned Mr. Sambade.

Closing Remarks:

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

Resident Bill Davis commented that he is not in favor of this application.

Closed Caucus:

Chairman Urban believes reminded everyone that the Board approved the last application and feels this project will fit in the area. He doesn't feel it will have a negative impact on the area and will vote in favor of this application. All of his fellow commissioners 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.

Public Hearing:

Z-18-007 – KOUVEL PROPERTIES, LLC – Site: 871 Broadway in City Block 101, Lot 22.01 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the construction of a third-floor addition to the existing building to include a commercial use and one-bedroom apartment on the ground floor and four two-bedroom apartments on the floors above.]*

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

Witness:

Daniel Angel Roma, an Architect from Artek Studios, LLC, was sworn to provide expert testimony in support of the application. Mr. Roma explained that the applicant is seeking relief to allow the construction of a third-floor addition to the exiting building located on the property. They will be increasing from four apartments to five apartments; one of which will be ADA compliant. They will create a handicapped ramp and a handicapped bathroom. The office is reduced in size and they will be adding an open space, which was not present before. On the roof there is an accessible terrace area, half of which will be used for open space. There will also be some façade improvements as well.

Board Questions:

Chairman Urban, Commissioner Dorans, Pineiro, DiLullo, De Ros, Darren Mazzei, P.E., and C.M.E., Malvika Apte, P.P., AICPT, questioned Mr. Roma.

Audience Questions:

Residents Nick Rigos, Albert Rinaldi and Dr. Paul Hyman questioned Mr. Roma.

Witness:

Charles Heyet, P.P. was introduced as an expert witness. He provided information on his

experience and Chairman Urban recognized Mr. Heyet as an expert. Mr. Heyet testified that he reviewed the plans and feels the architect did well covering the application. The mixed-use building is located on Broadway and he mentioned how the Master Plan speaks to the vibrancy of Broadway. The Board should grant the variances to this application since the site will be renovated and makes for a better condition of this site. Mr. Heyet testified that the positive and negative criteria comply in accordance with the Master Plan and the application clearly meets both the intent of the Zone Plan while addressing building code requirements.

Board Questions:

Malvika Apte, P.P., AICP, Commissioners Lombardi, Pineiro, De Ros and DiLullo questioned Mr. Heyet. Mr. Heyet, Mr. Roma and owner, Denise Kouvel, responded to their questions.

A brief recess was taken at 7:29 pm and the Board came back into session at 7:37 pm.

Questions from the Audience:

Albert Rinaldi questioned Mr. Roma and recommend a vote against this application.

Closing Remarks:

Mr. Weeks stated that this application brings no additional detriment to the neighborhood and relied on the testimony provided. He respectfully requested the Board approve the application.

Closed Caucus:

Chairman Urban remembers this as the former Dennis' Den and commends the applicant for putting in a handicap-accessible apartment. He would like a few conditions to the application met and would then approve it. Commission Pineiro is happy to see the owner hear the Board's

concerns and come up with the improvements immediately. Their fellow commissioners 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.

Public Hearing:

Z-18-009– VICTOR MERCADO – 612–616 Avenue C in City Block 176, Lot 50
[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to use an existing garage as an auto repair business.]

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

Witness:

Al Sambade, RA, PP, from DAL Design Group, was sworn to provide factual testimony in support of the application. He provided information on his experience and Chairman Urban recognized Mr. Sambade as an expert. Mr. Sambade explained that the application relates to the use of the pre-existing garage that the applicant has operated his auto repair business from for many years, servicing the needs of the neighborhood. The number of employees would include two mechanics and they typically service five to six cars per day. The business hours would be from 8:00 am – 5:00 pm, Monday through Friday, and from 8:00 am. Located on the property is the garage, an attached single-family dwelling and parking spaces.

Mr. Sambade explained that this small service and repair facility is a special operation that doesn't depend on high vehicle movement and capacity and notes the tenant is on a short-term lease. Service will always be by appointment, not by walk-in. This limited operation is not

a corporate or franchised facility. Mr. Sambade added that the tenant is willing to clean up the site to the best of his ability, including the removal of the six-foot high chain-link fence. Mr. Sambade testified that the application is consistent with the Master Plan and does not result in substantial negative impact to the public since it would be an improvement to the neighborhood. He believes the benefits outweigh any detriments.

Board Questions:

Chairman Urban, Commissioners Lombari, Pellitteri, Pineiro and DiLullo, along with Darren Mazzei, P.E., CME, and Malvika Apte, P.P., AICP, questioned Mr. Sambade.

Audience Questions:

There were no questions from the audience.

Closing Remarks:

Paul N. Weeks, Esq. relied on the testimony provided and respectfully requested the Board look favorably upon this application.

Statement in relation to the application:

Residents Joseph Basile, Anne Marie Gillespie and Willian Nilan, Jr. spoke in favor of the application.

Closed Caucus:

Chairman Urban believes that what he heard is not negative at all and is in favor of granting the application. His fellow commissioners concurred.

Commissioner Lombari 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.

Adoption of Resolutions:

- **Z-17-029 377 BROADWAY REALTY, LLC – Site: 871 Broadway; Block 101. Lot 22.01**
 - Commissioner Lombardi made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- **Z-17-030 128 JFK, LLC – Site: 128 Kennedy Boulevard in City Block 359, Lot 10**
 - Commissioner LeFante made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-18-002 MICHAEL LOJEWSKI – Site: 58 Zabriskie Avenue in City Block 368, Lot 2**
 - Commissioner Lombardi made a motion to adopt the resolution and Commissioner LeFante seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:51 p.m.

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

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