

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
AUGUST 20, 2018

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, August 20, 2018, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:10 p.m. Secretary Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Lombari, Pineiro, DiLullo and Egan. Commissioners LeFante, De Ros, Dorans, Adams, and Pelliteri were absent.

Also present was Robert Russo, PE, City Engineer, Malvika Apte, PP, consulting City Planner, Richard N. Campisano, Esq., Board Counsel and Lillian Glazewski, Land Use Administrator.

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 regular meeting held on July 16, 2018. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Communications:

- Letter from William J. Finnerty, Esq., attorney for application Z-18-011 Jagzula, LLC, Site: 484-486 Avenue C in City Block 210, Lot 46 requesting an adjournment to the September 17, 2018 regular meeting.
 - Commissioner Lombari made a motion to grant the adjournment and Commissioner Egan seconded the motion. A unanimous vote followed.

- Request for a one-year extension to begin construction on project Z-17-013 – 81 West 20th Street, LLC – Site: 81 West 20th Street in City Block 215, Lot 8.
 - Commissioner DiLullo made a motion to grant the one-year extension and Commissioner Pineiro seconded the motion. A unanimous vote followed.

Public Hearing:

Z-18-017 KFG REALTY, LLC – Site: 502 Broadway in City Block 197, Lot 8 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the construction of a two-story addition and alterations to include a retail commercial use and one-bedroom apartment on the ground floor, and a one-bedroom apartment and two-bedroom apartment on each of the two floors above.]*

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

Witness:

Al Sambade, PP, PE, AIA, was sworn to provide expert testimony in support of the application. Mr. Sambade testified that he reviewed the application and required variances. He addressed the City Engineer and consulting City Planner's reports as they relate to the variances requested. Mr. Sambade further testified that the approval of the variances requested will not impair the intent and purpose of the Zone Plan and Zoning Ordinance and is consistent with the City Master Plan.

Board questions:

Chairman Urban and Commissioners Pineiro, Egan, Lombardi and DiLullo questioned Mr. Sambade. Consulting City Planner Apte also questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing Remarks:

There were no closing remarks from the general public.

Paul Weeks, Esq., respectfully requested the Board approve the application.

Caucus:

Chairman Urban said that he feels that the applicant has met the criteria for approval. He said that the lack of parking was balanced by the project's revitalization of Broadway.

Commissioner DiLullo said that it is his opinion that the lack of parking was a necessary trade-off.

Commissioners Pineiro and Lombari were in favor of the application.

Commissioner Egan was opposed because of his concerns about a building that fronts on Broadway but that all access for the residential component of this development would be on Church Lane. He was concerned that Church Lane did not have sidewalks in the area at the rear of the structure. He was generally concerned with health and safety issues particularly because the ground floor unit was designed for a handicap accessible use.

Commissioner Lombari made a motion to approve the application and Commissioner DiLullo seconded the motion. The following vote was taken:

Chairman Urban	AYE
Commissioner Lombari	AYE
Commissioner Pineiro	AYE
Commissioner DiLullo	AYE
Commissioner Egan	NAY

The application was **DENIED**.

A short break was taken at 6:52 p.m. and the meeting resumed at 6:15 p.m. Secretary Egan called the roll.

Public Hearing:

Z-18-016 234–236 AVENUE A BOARDING, LLC (VIVEK SINGH) – Site: 234-236 Avenue A in City Block 290, Lot 15 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variances to increase the number of boarding rooms from 10 to 16.]*

Paul Weeks, Esq., attorney for applicant requested the Board grant an adjournment to September 17, 2018 meeting.

Commissioner DiLullo made the motion to grant the adjournment to September 17, 2018 and Commissioner Lombardi seconded the motion. A unanimous vote followed.

Public Hearing:

Z-18-015 PERRAULT JEAN-PAUL – Site: 37 East 15th Street in City Block 248, Lot 7 *[The applicant is seeking a bulk variance for side yard setback for an addition that was built too close to the west side of the property line.]*

Perrault Jean-Paul, applicant, appeared before the Board pro se. Mr. Jean-Paul was sworn to provide factual testimony in support of his application. He provided background of property and said that he is seeking a bulk variance for minimum side yard setback for an addition that was built too close to the west side of the property line. Mr. Jean-Paul admitted that he had built the addition without obtaining permits from the Building Department because he thought he did not need building permits. He testified that the addition will be used as a bedroom on the first floor and that there are three (3) existing bedrooms upstairs. Mr. Jean-Paul pointed out that none of his neighbors had any objection to the addition and no one was in attendance at the meeting to make an objection. He told the Board that if he were forced to demolish the addition it would be an extreme hardship to him.

Board questions:

Chairman Urban and Commissioner Egan questioned Jean-Paul. Consulting City Planner Malvika Apte, PP also questioned Mr. Jean-Paul.

The Board called upon the City Zoning Officer, Donna Ward to testify as to her records as they pertain to this property and the addition constructed. Ms. Ward testified that on the zoning permit application, the applicant indicated that the proposed addition was to be used as an office not a bedroom. She said that the testimony of the applicant is in conflict with the zoning permit application.

Audience questions:

There were no questions from the general public.

Closing remarks:

There were no closing remarks from the general public.

Perrault Jean-Paul in closing said that he was unaware of the need for building permits to construct the addition. He said that all of the work is done and much money has been spent. He said further that he admits his mistake, but he has attempted to rectify it. If he is forced to demolish the addition it would be an extreme hardship to him.

Board Caucus:

Chairman Urban said that based on the conflicting testimony of the applicant and that of our Zoning Officer Ms. Ward, he is not in favor of approving this application.

Commissioner DiLullo concurred with Chairman Urban with regard to the conflicting testimony.

Commissioners Pineiro, Lombardi and Egan concurred.

Commissioner Egan made a motion in the affirmative and Commissioner Lombardi seconded the motion. The application was unanimously **DENIED.**

Adoption of Resolution

- Z-17-013 - 80 WEST 20TH STREET, LLC – Site: 81 West 20th Street in City Block 215, Lot 8 – One year extension
 - Commissioner Egan made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 7:30 p.m.

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

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