

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
SEPTEMBER 17, 2018

A REGULAR MEETING of the Zoning Board of Adjustment was held on Monday, September 17, 2018, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:07 p.m. Secretary Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Egan, Dorans, DiLullo, Lombardi and Simmons

Commissioners LeFante, Pelliteri, De Ros and Pineiro were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Lillian Glazewski, Land Use Administrator, Robert Russo, PE, City Engineer's Office and Malvika Apte, P.P., 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 DiLullo made a motion to adopt the minutes of the regular meeting held on August 20, 2018. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

Communications:

There were no communications.

Public Hearing:

Z-18-021 ANDRZEJ KOLAKOWSKI – 74 West 5th Street; Block 338, Lot 27 *[The applicant is seeking a bulk variance to construct an off-street parking space on the property].*

Andrzej Kolakowski, applicant, appeared before the Board pro se. Mr. Kolakowski stated that he is requesting a bulk variance for minimum required parking stall depth to allow the construction of a carport. Mr. Kolakowski stated that it is very difficult to find parking in the area.

Board questions:

Chairman Urban and Commissioners Adams, Dorans and DiLullo questioned Mr. Kolakowski after his testimony.

There were no questions from the general public.

Caucus:

Chairman Urban said that he does not see any detriment to the surrounding area if this bulk variance is granted.

Commissioner Adams concurred with Chairman Urban so long as our City Engineer reviews the depth to make sure that a car will not protrude into the City right-of-way.

Commissioners Dorans, Lombardi, Egan and Simmons also concurred with Chairman Urban.

Commissioner DiLullo felt that the details provided by the applicant were slim and he would not vote in favor of the application.

Commissioner Adams made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Lombardi seconded the motion. Commissioners Urban, Adams, Egan, Dorans, Lombardi and Simmons voted in favor of the application. Commissioner DiLullo voted against the application.

Public Hearing:

Z-18-019 MARK WOJCIK – Site: 646 Avenue A in City Block 169, Lot 44 *[The applicant is seeking a bulk variance to construct a garage addition to an existing structure located on the property.]*

Mark Wojcik, applicant, appeared before the Board pro se and was sworn in to provide factual testimony in support of his application. In his opening statement Mr. Wojcik said that he wants to build a shed measuring 12' x 12' with a window and a pitched metal roof. He said that the shed would only be used to store his motorcycle(s) and tools.

Board questions:

Chairman Urban, Commissioners Adams and Egan questioned Mr. Wojcik.

Audience questions:

There were no questions from the general public.

Closing remarks:

Mr. Wojcik asked that the Board grant his application.

Caucus:

Chairman Urban said that the applicant made his case for the granting of the variance requested.

Commissioner Adams said that inasmuch as the only neighbor to be impacted has no problem with the expansion, he sees no issue with granting the variance.

Commissioners Dorans, Lombardi, Simmons, DiLullo and Egan concurred.

Commissioner Adams made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Lombardi seconded the motion and a unanimous vote followed.

Public Hearing:

Z-18-011 JAGZULA, LLC – Site: 484 – 486 Avenue C in City Block 210, Lot 46 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to allow the construction of a third story to accommodate the following: one retail and one residential use on the ground floor; four residential units on the second floor and four residential units on the third floor at the site.]*

William J. Finnerty, Esq., attorney for applicant gave a brief opening statement, offered his exhibits into evidence and called his first witness.

Witness:

Donald Chin, Architect was sworn and accepted as an expert witness to testify on behalf of the application. Mr. Chin said that he was retained to prepare the architectural plans. He described the existing building and discussed the proposed retail/commercial and residential uses. Mr. Chin said that he reviewed the reports submitted by the City's professionals and responded to same.

Board questions:

Commissioners Egan and DiLullo and City Engineer Russo and City Planner Apte questioned Mr. Chin.

Witness:

Kamal Girgis was sworn to provide factual testimony in support of the application. He testified that he is the sole member of the LLC and he has owned the property since 2004. Mr. Girgis said that he is open to removing one unit to come more into compliance with FAR.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, PP was sworn to provide expert planning testimony in support of the application. Mr. McDonough offered Exhibit A-22 a tax parcel map into evidence. Mr. McDonough gave testimony in support of the variances being requested and responded to the comments offered by our City Engineer and Planner in their reports. He said that unit 3D would

be eliminated and converted into open space. It reduces the floor area and brings the application very close into compliance with open space. Mr. McDonough testified that approval of the variances requested will not impair the zone plan and zoning ordinance and the proposed use is appropriate.

Board questions:

Commissioner Egan questioned Mr. McDonough.

A short break was taken at 7:37 p.m. and the meeting resumed at 7:52 p.m. Secretary Egan called the roll.

Closing remarks:

William Finnerty, Esq., said that he will rely on the expert witness testimony given and he respectfully requested the Board approve the application.

Caucus:

Chairman Urban said that based upon the testimony of the experts and of the applicant, the criteria for approval has been met. The applicant has agreed to certain revisions that would reduce some of the variances being requested.

Commissioner Adams said that he is very encouraged with the applicant's willingness to better conform to the zone plan and zoning ordinance.

Commissioners Dorans, Egan, Lombardi and Simmons concurred with their fellow Commissioners.

Commissioner DiLullo concurred but added a condition of the easement as part of the approval.

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

Adoption of Resolutions:

- **Z-18-017 – KFG Realty, LLC – Site: 502 Broadway in City Block 197, Lot 8**
 - Commissioner Egan made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-18-015 PERAAULT JEAN-PAUL – Site: 37 East 15th Street in City Block 248, Lot 7**
 - 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 8:05 p.m.

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

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