

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
OCTOBER 15, 2018

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, October 15, 2018, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:19 p.m. Commissioner Lombardi called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Dorans, Pellitteri, De Ros, Lombardi and Simmons. Commissioners DiLullo, Egan, LeFante and Pineiro were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Lillian Glazewski, Land Use Administrator, Robert Russo, PE, consulting City Engineer and Maryann Bucci Carter, 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 Adams made a motion to adopt the minutes of the regular meeting held on September 17, 2018. Commissioner Dorans seconded the motion and a unanimous vote of eligible members followed.

Communications:

Letter received from Paul Weeks, Esq., attorney for application Z-18-016 – 234-236 Avenue A Boarding, LLC, requesting a one month adjournment to November 19, 2018.

Commissioner Adams made a motion to grant the adjournment to Monday, November 19, 2018 with no further notice required by the applicant. Commissioner Lombardi seconded the motion and a unanimous vote followed.

Public Hearing:

Z-18-018 JERSEY PROPERTY HOLDINGS – Site: 91 West 43rd Street in City block 88, Lot 13 *[The applicant is seeking a bulk variance for parking stall size]*

Chairman Urban recused himself due to a conflict of interest.

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

Witness:

Anthony Stragapede, owner and managing member of the applicant was sworn to provide factual testimony. Mr. Stragapede testified that he purchased property believing this was a legal driveway and curb cut, however he subsequently found out it was not a legal driveway.

Board questions:

Commissioners Adams and De Ros questioned Mr. Stragapede.

Audience questions:

There were no questions from the general public.

Witness:

Carlos Araujo, tenant at property was sworn to provide factual testimony in support of the application. Mr. Araujo testified that he plans to purchase property from Mr. Stragapede next year, he is handicapped and due to his illness needs a place to park.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Witness:

Martha Brazoban, AIA, was sworn as an expert witness to testify on behalf of the application. Ms. Brazoban described the proposed parking space and said that the variance requested is a de minimis variance needed for parking stall size. Ms. Brazoban further testified that there would be no negative effect on the surrounding properties if this variance is approved.

Board questions:

Commissioner Adams questioned Ms. Brazoban.

Audience questions:

There were no questions from the general public.

Closing Statements:

Mr. Cecinini respectfully requested the Board grant the variance.

Audience comments:

There were no comments from the general public.

Closed Caucus:

Commissioner Adams was comfortable with Robert Russo, PE, consulting City Engineer's comment that the spot will not be used frequently and is satisfactory.

Commissioner Lombardi was not in favor and felt that the spot is dangerous and a hazard.

Commissioner Pellitteri felt the positives outweigh the negatives.

Commissioner Dorans agrees with Commissioners Adams and Pellitteri and said this was an existing spot for years.

Commissioner De Ros commented that no neighbors appeared in objection to the requested variance; and Commissioner Simmons agreed.

Commissioner Dorans made a motion to approve the application and Commissioner Pellitteri seconded the motion. The variance was approved with six affirmative votes and one nay vote from Commissioner Lombardi.

Urban returned to the dais for the remainder of the meeting.

Public Hearing:

Z-18-020 FRANCINE TAGLIARENI (*Interpretation/Appeal*) – Site: 10 West 13th Street; Block 264, Lot 22 *[The applicant has filed for an interpretation from the Zoning Board of Adjustment in regard to the garage and auto repair shop use of the property.]*

Paul Weeks, Esq., attorney for applicant, gave a brief opening statement explaining that the applicant is requesting an interpretation as to the use of the property. Mr. Weeks moved his exhibits into evidence and called his first witness.

Witness:

Alberto Laureano, who resides at site and is employed by Bayonne Board of Education for the last 16 years was sworn to provide factual testimony. Mr. Laureano testified that he has rented the garage for approximately twenty-one to twenty-two years. He said that he owns seven cars that are always stored in the garage. Mr. Laureano testified that he does not run a repair shop from the garage.

Board questions:

Chairman Urban and Commissioners Pellitteri, Adams and De Ros questioned Mr. Aureano.

Audience questions:

There were no questions from the general public.

Audience comments:

Charles Kuczynski said that approximately fifteen years ago, as a matter of convenience, went to Mr. Laureano to change his oil, however, Mr. Laureano sent him to someone else to have the work done.

Closing remarks:

Mr. Weeks, respectfully asked the Board to vote in favor of the interpretation as it applies to the applicant because the garage is used mainly as a hobby not as a business.

Caucus:

Chairman Urban said that it is difficult to make a decision without the Zoning Officer and fire official present to provide testimony. Chairman Urban said that he would like to carry this matter to November to provide an opportunity for the Zoning Officer and fire official to be present and to testify.

Commissioner Simmons and Lombardi agreed with Chairman Urban.

Commissioners Dorans, Adams, Pellitteri and De Ros said that they were inclined to vote in favor of the applicant.

Chairman Urban made a motion to carry this matter to the November 19, 2018 meeting and Commissioner Lombardi seconded the motion. A unanimous vote followed.

Public Hearing:

Z-18-014 RAAFAT IKLADOUS – Site: 53 – 55 Broadway; Block 369, Lot 24 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to convert an attached one-family dwelling to a two-family dwelling.]*

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

Witness:

Stephen Kawalek, AIA, PP, PE, was sworn to provide expert testimony in support of the application. Mr. Kawalek described the nature of the application and discussed the variances requested. He testified that the granting of the requested variances will not cause detriment to the public health, safety and welfare and the proposed use will not create a negative social, economic, physical or environmental impact.

Board questions:

Chairman Urban and Commissioners Pellitteri and De Ros questioned Mr. Kawalek.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Weeks respectfully requested that the Board look favorably upon the application.

Caucus:

Chairman Urban said that the application and variances can be approved. An approval will not change character of neighborhood.

Commissioners Adams, Simmons, Dorans, Pellitteri, Lombardi and De Ros agreed that there would be no negative impact if this application and variances were granted.

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

Public Hearing:

Z-18-022 EOM 813 BROADWAY, LLC – Site: 813 Broadway in City Block 113, Lot 16 *[The applicant is seeking preliminary and final major site plan approval with use and bulk variance relief to allow the construction of a total of eight residential units on the upper floors and commercial space on the ground floor.]*

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

Witness:

Al Sambade, PP was sworn to testify as an expert witness in support of this application. Mr. Sambade testified as to the justification for the variances requested and addressed the comments offered by the City Planner and Engineer. He testified that the granting of these variances will not impair the Zone Plan and Zoning Ordinance and the proposed use is appropriate. Mr. Sambade also testified that the applicant agrees to comply with the suggestions of our City Engineer and Planner.

Board questions:

Chairman Urban and Commissioners Adams and Pellitteri questioned Mr. Sambade.

Audience questions:

Residents Esmond Adamson and Steve Koropsak questioned Mr. Sambade.

Audience comments:

There were no comments from the general public.

Closing remarks:

Mr. Miceli relied on the testimony of his expert witness and respectfully requested the Board approve the application.

Caucus:

Chairman Urban said that there is a parking issue with every application. The building has been underutilized and is an eyesore. This application would be an improvement to the neighborhood.

Commissioner Adams agreed that parking is always an issue, but there were opportunities for mass transit available and the Master Plan gives latitude towards parking.

Commissioners Simmons, Dorans, Pellitteri, De Ros and Lombari concurred.

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

A short break was taken at 7:58 p.m. and the meeting resumed at 8:10 p.m. The roll was called.

Public Hearing:

Z-18-023 275 BROADWAY REALTY, LLC – Site: 275 Broadway in City Block 267, Lot 25 *[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 to the existing building and to allow a residential unit on the ground floor.]*

John Zucker, Esq., attorney for applicant offered exhibits into evidence and called his first witness:

Witness:

Mitchell Burakovsky, principal and managing member of LLC was sworn to provide factual testimony. Mr. Burakovsky testified that he obtained title to the property in 2012 and he has been unable to rent the space for a long period of time. He said that he needs to make the space more viable and that is why this application is being made.

Board questions:

Commissioner Lombardi questioned Mr. Burakovsky

Audience questions:

There were no questions from the general public.

Witness:

Al Sambade, PP was sworn to provide expert testimony. Mr. Sambade addressed the City's professional comments and testified that the applicant's proposal satisfied these requirements of the Master Plan by encouraging economic development, promoting a diversified economic base, promoting use of an underutilized property and developing a variety of housing options. It was his opinion that the applicant satisfied the requirements of the special reasons test and the application advanced several fundamental purposes of zoning, including promoting the public health, welfare and the promoting of the efficient use of land in a desirable visual environment.

Board questions:

Commissioners Pellitteri and De Ros questioned Mr. Sambade

Audience questions:

There were no questions from the general public.

Closing remarks:

Mr. Zucker respectfully requested the Board approve the application.

Caucus:

Chairman Urban said that the property has been unmarketable so far and the proposed fits in with area.

Commissioner Adams said that the application meets all goals and objectives of the 8th Street Rehabilitation area. He said that the applicant made a compelling case.

Commissioner Simmons, Dorans, Pellitteri, De Ros and Lombardi concurred that this project would be an improvement to surrounding area.

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

Adoption of Resolutions:

- **Z-18-019 MARK WOJCIK – Site: 646 Avenue A in City Block 169, Lot 44**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.
- **Z-18-021 ANDRZEJ KOLAKOWSKI – 74 West 5th Street; Block 338, Lot 27**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.
- **Z-18-011 JAGZULA, LLC – Site: 484 – 486 Avenue C in City Block 210, Lot 46**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:43 p.m.

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

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