

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 19, 2018

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

Chairman Urban called the meeting to order at 6:21 p.m. Commissioner Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Egan, Lombardi, Dorans and Pineiro.

Commissioners LeFante, De Ros, DiLullo, Pelliteri and Simmons were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Lillian Glazewski, Land Use Administrator, 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.

Adoption of Minutes:

Commissioner Adams made a motion to adopt the minutes of the regular meeting held on October 15, 2018. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

Communications:

- Letter from Paul Weeks, Esq., attorney for application Z-18-016 – 234-236 Avenue A Boarding, LLC – Site: 234-236 Avenue A in City Block 290, Lot 15, notifying the Board that the applicant is withdrawing the application.
 - Commissioner Egan made a motion to dismiss the application and Commissioner Adams seconded the motion. A unanimous vote followed.
- Letter from Perrault Jean-Paul (Z-18-015) regarding the Board's decision to deny the application. *Board counsel Richard Campisano advised that no response was necessary*

since Mr. Perrault indicated that he will appeal the Board's decision. We will await his appeal.

Public Hearing (continuation):

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

Paul Weeks, Esq., attorney for the applicant, requested a continuation of the matter to the December meeting because of the absence of the City Zoning Officer and Fire Sub-Code Official.

Commissioner Adams made a motion to place this matter on the December 17, 2018 agenda with no further notice required by the applicant. Commissioner Lombardi seconded the motion and a unanimous vote followed.

Public Hearing:

Z-18-025 – NATALIE PEROTA, TRUSTEE – Site: 28 East 33rd Street in City Block 146, Lot 33 *[The applicant is seeking a Certificate of Nonconformity for the continued use as a three-family residential dwelling in the R-2 district.]*

Paul Weeks, Esq., attorney for the applicant, provided background information on the home in question. He stated that the home at 28 East 33rd Street is a three-family home located in an R-2 zone. The property is owned by the LaScala Irrevocable Trust. The home was built around 1920 and has been used as a three-family since 1967. Mr. Weeks moved his exhibits into evidence and called his first witness.

Witness:

Carol Lehman, sister of Jacqueline LeScala, grantor of the LaScala Irrevocable Trust was sworn to provide factual testimony. Ms. Lehman testified that she has personal knowledge of the history of the property. She said that the property was purchased by Jacqueline LaScala's

husband in 1955. The home was renovated in 1967 to convert to a three-family home. Ms. Lehman further testified that the house has been used as a three-family home for 51 years.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Weeks stated that the applicant has provided sufficient evidence that the home was used as a three-family for a very long time and certainly before 1995. He respectfully requested the Board grant the Certificate of Nonconformity.

Caucus:

Chairman Urban and remaining commissioners all agreed that there was sufficient evidence to issue the Certificate of Nonconformity.

Commissioner Adams made a motion to issue a Certificate of Nonconformity and Commissioner Lombardi seconded the motion and a unanimous vote followed.

Adoption of Resolutions:

- **Z-18-014 – RAAFAT IKLADOUS – Site 53-55 Broadway; Block 369, Lot 24**
 - Commissioner Adams made a motion to adopt the resolution and Chairman Urban seconded the motion. A unanimous vote followed.
- **Z-18-022 – EOM 813 BROADWAY, LLC – Site 813 Broadway; Block 113, Lot 16**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.
- **Z-18-023 – 275 BROADWAY REALTY, LLC – Site: 275 Broadway; Block 267, Lot 25**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Dorans seconded the motion. A unanimous vote followed.

- **Z-18-028 – JERSEY PROPERTY HOLDINGS – Site: 91 West 43rd Street; Block 88, Lot 13**
 - 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 7:00 p.m.

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

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