

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
DECEMBER 17, 2018

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

Chairman Urban called the meeting to order at 6:13 p.m. Secretary Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Egan, De Ros and Pineiro. Commissioners LeFante, Dorans, Lombardi, DiLullo, Pelliteri and Simmons were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer's Office, Malvika Apt, PP, consulting City Planner and Lillian Glazewski, Board 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 Adams made a motion to adopt the minutes of the regular meeting held on November 19, 2018. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Communications:

- Letter from Weiner Law Group, LLP regarding application Z-15-002 Bayonne Avenue E Urban Renewal, LLC – Site: 157-163 in City Block 234, Lot 8.01 removal of condition of prior approval / deed restriction
 - Commissioner Adams made a motion to distinguish the deed restriction and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- Request from Paul Weeks, Esq. for to adjourn Z-18-020 Francine Tagliareni to the January 28, 2019 regular meeting.

- Commissioner Adams made the motion with no further notice on behalf of the applicant and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- Request from Paul Weeks, Esq. for to adjourn application Z-18-027 - 265 Avenue B, LLC to the January 28, 2019 regular meeting.
 - Commissioner Adams made the motion with no further notice on behalf of the applicant and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- Request from Christopher Vitale, Esq. for to adjourn application Z-18-026 742-746 Broadway Realty, LLC to the January 28, 2019 regular meeting.
 - Commissioner Adams made the motion with no further notice on behalf of the applicant and Commissioner Pineiro seconded the motion. A unanimous vote followed.

Board Reorganization

- **Election of officers (nominated and unanimously voted in):**

- Mark Urban, Chairman
 - Clifford Adams, Vice-Chairman
 - Jan Patrick Egan, Secretary

- **Appointment of Support Personnel**

- Richard N. Campisano, Esq., Board Attorney
 - Suzanne Mack, P.P., City Planner
 - Robert Russo, P.E. Consulting City Engineer
 - Malvika Apte, P.P., Consulting City Planner
 - Lillian Glazewski, Land Use Administrator
 - Susan Bischoff, Certified Shorthand Reporter

- **Adoption of 2019 Calendar**

The following are the dates for the regular meetings to be held in 2019 were read by Commissioner Egan and unanimously adopted.

January 28, 2019 (Alternate date)
February 25, 2019 (Alternate date)
March 18, 2019
April 15, 2019

May 20, 2019
June 17, 2019
July 15, 2019
August 19, 2019
September 16, 2019
October 21, 2019
November 18, 2019
December 16, 2019

The regular meeting dates for 2019 will be published in the Jersey Journal and Star Ledger as required under the Open Public Meetings Act Municipal Land Use Law, N.J.S. 40:55D-9.

Public Hearing:

Z-18-030 HESTON HAZELWOOD – Site: 613 Kennedy Boulevard in City Block 193, Lot 8 *[The applicant is seeking an interpretation for the continued retail use of the property as a bodega.]*.

Applicant, Heston Hazelwood, appeared before the Board pro se. Mr. Hazelwood was sworn in to provide factual information in support of his application. He said that he is seeking an interpretation from the Board with regard to the use of the storefront as a bodega. It should be noted that the property is located in the R-2 Zone. Mr. Hazelwood stated that the site has continuously been used for other commercial uses and this would be a continuation of said uses.

Board questions:

Chairman Urban and Commissioners Adams and Egan questioned Mr. Hazelwood.

Audience questions:

There were no questions from the general public.

Closed Caucus:

Chairman Urban commented that inasmuch as the site has traditionally been occupied for commercial uses, he saw no reason not to allow the applicant to proceed with his bodega.

The remaining Commissioners concurred.

Commissioner Egan made a motion to allow the applicant the use of a bodega at the site and Commissioner De Ros seconded the motion. A unanimous vote followed.

A short break was taken at 6:29 p.m. and the meeting resumed at 6:47 p.m. The roll was called.

Public Hearing:

Z-18-028 – 89 WEST 43RD STREET, LLC – Site 89 West 43rd Street in City Block 88, Lot 14 *[The applicant is seeking a bulk variance for parking stall size for a two-family dwelling.]*

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

Witness:

Martha Brazoban, AIA, was sworn to provide expert testimony in support of the application. Ms. Brazoban testified that she reviewed the proposed project and the de minimis variance needed for parking stall size. She addressed the City Planner and Engineer's comments. Ms. Brazoban stated that the neighborhood detriment test is satisfied because the variance required will not impair the intent and purpose of the Zone Plan and Zoning Ordinance and is consistent with the City Master Plan.

Board questions:

Commissioners Egan, De Ros and Adams questioned Ms. Brazoban.

Audience questions:

There were no questions from the general public.

Closed Caucus:

Commissioner Adams made a motion to approve the application and Commissioner Pineiro seconded the motion. A unanimous vote followed.

Adoption of Resolutions:

- **Z-18-016 234–236 AVENUE A BOARDING, LLC (VIVEK SINGH) – Site: 234-236 Avenue A in City Block 290, Lot 15**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner De Ros seconded the motion. A unanimous vote followed.
- **Z-18-025 NATALIE PEROTA, TRUSTEE – Site: 28 East 33rd Street in City Block 146, Lot**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner De Ros seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 7:05 p.m.

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

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