

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 18, 2019

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, March 18, 2019, 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, Lombari, Pineiro, De Ros and DiLullo. Commissioners Simmons and Pellitteri 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 February 25, 2019. Commissioner Lombari seconded the motion and a unanimous vote of eligible members followed.

Communications:

No communications were received.

Public Hearing:

Z-19-004 – 22ND STREET PARTNERS, LLC – Site: 25-39 East 22nd Street in City Block 206, Lot 1 *[The applicant is seeking minor subdivision approval and conditional use variance to create two new lots.]*

Michael Miceli, Esq., attorney for applicant gave a brief summary of the application at hand. He said that this is the Mt. Carmel Church lot and the purpose of the proposed subdivision is to separate the School building from the remainder of the Church lot for future development. Mr. Miceli offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, PP, PE, AIA, was sworn and recognized as an expert witness. Mr. Sambade said that he is familiar with the site and proceeded to describe the site location and the present conditions of the buildings thereon. Mr. Sambade further testified that this minor subdivision application has been brought before the Zoning Board because a d-3 use variance has been triggered by the remaining Church property. The purpose of the subdivision is strictly for drawing a line to separate the school from the remainder of the property.

Board questions:

Chairman Urban and Commissioners Egan and Adams questioned Mr. Sambade as did City Planner Apte.

A short break was taken at 6:40 pm to allow the City professionals to check the ordinance. The meeting resumed at 6:45 pm. The Commissioners did not leave the room during the break so there was no need to call the roll.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban felt that the applicant has met criteria for approval and he was in favor.

Commissioner Adams, Pineiro, De Ross, Lombardi, DiLullo, Dorans and Egan concurred.

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

Public Hearing:

Z-19-005 WALTER SHOSTAK – Site: 27-29 West 12th Street in City Block 264, Lot 8.01 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to convert the existing two-family home into a three-family home.]*

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

Witness:

Stephen Kawalek, PP, PE, AIA was sworn and accepted as an expert witness to testify in support of this application. Mr. Kawalek described the existing two-family home as being on an oversized lot with a four car garage. He said that the third unit has existed (unused) for many years. The only thing that needs to be done is to replace the stove that once existed in the unit. He testified as to the positive and negative criteria and opined that the site is particularly suited for use as a three-family residence. He also testified that, should the Board grant the use variance, it will not substantially impair the zone plan or zoning ordinance.

Board questions:

Chairman Urban questioned Mr. Kawalek. City Engineer Rob Russo recommended the applicant consolidate the lots. Consulting City Planner Apte also questioned Mr. Kawalek.

Witness:

Walter Shostak was sworn to provide factual testimony in support of the application. Mr. Shostak said that he has lived in this house all of his life. He said that his parents purchased the property in 1961 and his father converted the two-family home into a three family residence to create an apartment for his grandmother. He said that since the death of his grandmother the apartment has remained vacant. Mr. Shostak also said that there is no need for any interior or exterior renovations.

Board questions:

Chairman Urban and Commissioners DiLullo and Lombardi questioned Mr. Shostak.

Audience questions:

There were no questions from the general public.

Closing remarks:

Mr. Weeks respectfully requested the Board approve the application.

Caucus:

Chairman Urban commended Mr. Shostak for seeking a use variance to have a legal three-family home and not proceeding to use the apartment illegally. Chairman Urban said that the applicant has met the requirements for approval.

Commissioners Adams commented that this site is particularly well suited for use as a three family residence, given the size and width of the lot. The bulk variances are preexisting.

Commissioners Pineiro, De Ross, Lombardi, DiLullo, Dorans and Egan concurred.

Commissioner Egan made a motion to approve the application with the condition that the applicant consolidate the lots. Commissioner Pineiro seconded the motion and a unanimous vote followed

Adoption of Resolutions:

- **Z-19-003 PITAMBAR SINGH - Site: 765 Avenue E in City Block 66, Lot 21**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-19-002 MELISSA SCHWADERER MATHEWS – Site: 829 Kennedy Boulevard in City Block 143, Lot 24**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- **Z-18-029 EHTISHAM RAHAT HUSSAIN – Site: 1031 Broadway in City Block 53, Lot 24Z-18-020**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Adoption of Resolution – Annual Report for Calendar Year 2018**
 - 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 7:10 p.m.

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

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