

ZONING BOARD OF ADJUSTMENT

REGULAR MEETING MINUTES

JUNE 17, 2019

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, June 17, 2019, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:12 p.m. Secretary Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Egan, Lombardi, Pineiro, and DiLullo. Commissioners Dorans, Pellitteri, DeRos, Klimansky 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 Alicia Losonczy, Zoning Officer.

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 May 20, 2019. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Communications:

- Letter from William Finnerty, Esq. dated June 12, 2019 regarding application Z-19-023 B.T. Flooring Solutions – Site: 80-84 East 25th Street in City Block 442, Lot 14 asking the matter be carried for one month
 - Commissioner Adams made a motion to carry the application until the July 15, 2019 Zoning Board of Adjustment meeting. Commissioner Pineiro seconded the motion. A unanimous vote followed.

Public Hearing:

Z-19-013 KFG REALTY, LLC – Site: 502 Broadway in City Block 197, Lot 8 *[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 and alterations to include a retail commercial use and one-bedroom apartment on the ground floor, and a one-bedroom apartment and two-bedroom apartment on each of the two floors above.]*

Paul N. Weeks, Esq., attorney for applicant, gave a brief summary of the application and requested variance, offered his exhibits into evidence and called his first and only witness.

Witness:

Al Sambade, of DAL Design Group, was sworn to provide expert testimony. Mr. Sambade described the subject property and surrounding area and discussed the site plan prepared by his firm. He addressed the City Engineer's and City Planner's comments. Mr. Sambade testified that the proposed two-story addition, along with alterations to include one retail space (fronting on Broadway) and a one-bedroom apartment on the ground floor would enhance this preexisting nonconformity and provided evidence in support of the positive criteria for this application. Mr. Sambade said the redesign of this project will revitalize a currently vacant and underutilized area.

Board questions:

Chairman Urban and Commissioners Egan, Adams and DiLullo questioned Mr. Sambade. Consulting City Planner Apte also questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing remarks:

Mr. Weeks said that the applicant relies on the testimony given and proofs that there will be no detrimental impact to the surrounding area and he respectfully requested the Board look favorably upon this application.

Closed Caucus:

Chairman Urban said that there were substantial changes made to the floor plan and mitigated many previous concerns based on testimony given by the applicant's experts, the applicant has met its requirements for approval and his fellow Commissioners concurred.

Commissioner Egan made a motion to approve the application 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-19-017 554 AVE C HCPVI, LLC Site: 554 Avenue C in City Block 189, Lot 37
[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to remove a commercial space on the first floor of the existing building and replace it with two one-bedroom apartments.]

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

Witness:

Al Sambade, of DAL Design Group, was sworn to provide expert testimony. Chairman Urban recognized Mr. Sambade as an expert witness. Mr. Sambade described the subject property, surrounding area and the site plan prepared by his firm. Mr. Sambade testified that this building located in the C-2 District is over one-hundred years old. He described the small retail storefronts as very difficult to rent and vulnerable to the larger scale stores. Mr. Sambade

discussed properties in the surrounding area that have made this similar consolidation conversion. The proposal encompasses interior rehabilitation with a new brick finish, stone accent details, rebuild and repaint the first-floor cornice. Mr. Sambade addressed City Planner Apte's regarding whether this requires a preexisting nonconforming use or a d(2) variance of an expansion of nonconforming use. He stated that his entry of new exhibits #A21 and #A22 support a variance for expansion of a nonconforming use. Mr. Sambade discussed the multiple variances requested and discussed how this application supports the purposes of zoning and the Master Plan.

Board questions:

Consulting City Planner Apte and Commissioners Lombardi and DiLullo questioned Mr. Sambade.

Audience questions:

There were no questions from the audience.

Closing remarks:

Paul Weeks, Esq., requested the Board look favorably upon the application.

Closed Caucus:

Chairman Urban felt that this was a good history lesson and agrees that the commercial space may be difficult to rent, therefore, is in favor of this application.

Commissioner Adams discussed the evolution of retail environment and forecasts that the storefronts are destined to be vacant and believes that turning them into residential units is a much better solution.

Commissioners DiLullo, Pineiro and Egan concurred.

Commissioner Lombardi said that the Barber Shop is probably the only retail space that has activity and is in favor of this application.

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

A short break was taken at 7:46 p.m. and the meeting resumed at 8:00 p.m. The roll was called.

Public Hearing:

Z-19-019 - 552 AVE C HCPVI, LLC – Site: 552 Avenue C in City Block 189, Lot 38
[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to remove a commercial space on the first floor of the existing building and replace it with two one-bedroom apartments.]

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

Witness:

Al Sambade, of DAL Design Group, was sworn to provide expert testimony. Chairman Urban recognized Mr. Sambade as an expert witness. Mr. Sambade described the proposed project prepared by his firm. Mr. Sambade testified that this building located in the C-2 District is over one-hundred years old. He described the small retail storefronts as very difficult to rent and not viable since there are so many big box stores, especially since any renovations haven't been performed in over forty years. Mr. Sambade discussed properties in the surrounding area that have made this similar consolidation conversion. Mr. Sambade addressed City Planner Apte's concerns in her report. Mr. Sambade discussed the multiple variances requested and

discussed how this application supports the purposes of zoning and the Master Plan. He discussed the special criteria and reasons why the variances should be approved.

Board questions:

Commissioner Lombardi questioned Mr. Sambade.

Audience questions:

There were no questions from the audience.

Closing remarks:

Paul Weeks, Esq., requested the Board look favorably upon the application.

Closed Caucus:

Chairman Urban felt that based on the testimony he will be voting in favor of this application and his fellow commissioners concurred.

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

Public Hearing:

Z-19-015 548 AVE CHCPVI, LLC – Site: 548 Avenue C in City Block 189, Lot 39
The applicant is seeking preliminary and final major approval along with use and bulk variance relief to remove a commercial space on the first floor of the existing building and replace it with two one-bedroom apartments.]

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

Witness:

Al Sambade, of DAL Design Group, was sworn to provide expert testimony. Chairman Urban recognized Mr. Sambade as an expert witness. Mr. Sambade described the proposed

project prepared by his firm. Mr. Sambade testified that this building located in the C-2 District is over one-hundred years old. Mr. Sambade addressed City Planner Apte's concerns in her report. Mr. Sambade discussed the multiple variances requested and discussed how this application supports the purposes of zoning and the Master Plan. He discussed the special criteria and reasons why the variances should be approved.

Board questions:

Commissioner Lombari questioned Mr. Sambade.

Audience questions:

There were no questions from the audience.

Closing remarks:

Paul Weeks, Esq., requested the Board look favorably upon the application.

Closed Caucus:

Chairman Urban felt that based on the testimony he will be voting in favor of this application and his fellow commissioners concurred.

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

Adoption of Resolutions:

- **Z-19-001 – T-MOBILE NORTHEAST, LLC – Site: 662 Avenue A in City Block 165, Lot 42**
 - Commissioner Lombari made a motion to adopt the resolution and Commissioner Adams seconded the motion. A unanimous vote followed.

- **Z-19-006 PETER AWAD – Site: 140 West 3rd Street in City Block 363, Lot 28**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Egan seconded the motion. A unanimous vote followed.
- **Z-19-012 LUCIA SEITZINGER – Site: 666 Avenue E in City Block 403, Lot 12**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-19-007 EMANUELE D’ELIA – Site: 28-30 East 43rd Street; Block 94, Lot 30**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.
- **Z-19-011 M.L. REALTY CORP. OF N.J. – Site: 626-628 Avenue E in City Block 405, Lot 31**
 - Commissioner Adams made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:18 p.m.

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

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