

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
SEPTEMBER 16, 2019

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, August 19, 2019, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:10 p.m. Secretary Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Egan, Lombari, Pineiro, DiLullo, DeRos, and Veloz. Commissioners Klimansky, Iapicca and Calcaterra were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Malvika Apt, PP, consulting City Planner, Darren Mazzei, PE, City Engineer's Office and Lillian Glazewski, Land Use 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:

Chairman Urban called for the adoption of the minutes from the July 15, 2019 regular meeting.

Commissioner Adams made the motion to adopt the minutes and Commissioner Lombari seconded the motion. A unanimous vote followed.

Chairman Urban called for the adoption of the minutes from the August 19, 2019 regular meeting.

Commissioner Adams made the motion to adopt the minutes and Commissioner Lombari seconded the motion. A unanimous vote followed.

Communications:

No communication.

Public Hearing:

Z-19-024 NUNZIATO MARIA SERVODIO – Site: 88 Andrew Street in City Block 237, Lot 38 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to construct a four-family residential building to replace a building destroyed by fire.]*

Christopher Vitale, Esq., attorney for applicant moved exhibits into evidence and called his first witness.

Witness:

Nunziato Maria Servodio, applicant, was sworn to provide factual testimony in support of the application. Ms. Servodio testified that she has owned the property since 1964. She testified that the original building was destroyed by fire in February and the home had to be completely demolished. Ms. Servodio spoke about her intention to have a duplex unit for her family and for her mother. She testified that the old building had no parking but the proposed structure would include a one (1) car garage. She further testified that the new building would contain the same number of bedrooms that previously existed.

Board questions:

Chairman Urban and Commissioners Egan and Veloz questioned Ms. Servodio.

Audience questions:

There were no questions from the general public.

Witness:

Stephen Kawalek, PP, AIA, PE, was sworn to provide expert testimony. Mr. Kawalek discussed the requested approvals and variances and provided justification for same. He further testified as to the positive and negative criteria and addressed the comments from the City Planner and City Engineer in the reports they submitted. In conclusion Mr. Kawalek advised the Board that this development was in accordance with the Master Plan.

Board questions:

Commissioners Adams, Egan, DiLullo, Pineiro and Lombari questioned Mr. Kawalek as to did City Planner Apte and City Engineer Mazzei.

Audience questions:

There were no questions from the general public.

Closing Remarks

Christopher Vitale in closing said that he relied on the testimony given by his expert and respectfully requested the Board look favorably upon this application.

Caucus

Chairman Urban said that he is in favor of approving the application.

Commissioner Adams said that the area has existing multifamily residential buildings and this proposal will not change the neighborhood.

Commissioners Pineiro, Veloz, De Ros, DiLullo and Egan concurred.

Commissioner Lombari felt there would be no negative impact to the neighborhood and opined that Mr. Kawalek did a great job.

Commissioner Egan made the motion to approve the application subject to the conditions agreed to and spread across the record. Commissioner Pineiro seconded the motion and a unanimous vote of eligible members followed.

Public Hearing:

Z-19-026 – 952 BROADWAY PARTNERS, LLC & M. DOUECK – Site: 952 Broadway in City Block 82, Lot 44 *[The applicants are seeking preliminary and final major site plan approval, use and bulk variance relief to be allowed to construct an addition to the existing mixed-use building for a total of one commercial space and seven residential units.*

Peter Cecinini, Esq., attorney for applicant gave a brief overview of the application, moved his exhibits into evidence and called his first witness.

Witness:

Al Sambade, PP, AIA, PE, was sworn and accepted as an expert witness to provide both planning and engineering testimony in support of this application. Mr. Sambade described the proposed project as a mixed use development. He provided a rendering of the proposed project elevation that was entered into evidence as Exhibit A-22. Mr. Sambade described the area and pointed out that this is close to Light Rail. He discussed the use variance for the ground floor apartment and other variances required for maximum lot coverage, usable open space and parking. He said that the ground floor apartment will be handicap accessible. He stated further that, because of the property constraints, no parking can be provided. The open space requirement has been mitigated by a small concrete patio and landscaped yard which did not previously exist. Mr. Sambade that the applicant agrees to the proposed conditions outlined in the City Planner and City Engineer's reports.

Board questions:

Commissioners DiLullo, Adams, Egan and De Ros questioned Mr. Sambade as did consulting City Planner Apte and consulting City Engineer Mazzie.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban said that the project is not overbearing and he likes the architectural design. He sees no negative impact to the neighborhood and surrounding area.

Commissioners Adams said that he felt that the project was good for this location.

Commissioner Pineiro said that he was satisfied with the testimony of Mr. Sambade.

Commissioner Veloz said the project was good for the area.

Commissioner Lombardi commented that the rendering looks good and he was in favor.

Commissioners De Ros and DiLullo concurred, provided the den in each unit is an open area and the two bathrooms are reduced to one full bath and one half bath with the shower removed.

Commissioner Egan concurred.

Commissioner Adams made a motion to approve the application subject to any and all conditions agreed to and spread across the record. Commissioner Egan seconded the motion and a unanimous vote of eligible members followed.

A short break was taken at 7:41 p.m. and the meeting resumed at 7:49 p.m. The roll was called.

Public Hearing:

Z-19-016 – 102-106 KENNEDY BLVDHCPVI LLC – Site: 102-106 Kennedy Boulevard in City Block 347, Lot 11. *[The applicant is seeking preliminary and final major site plan approval to remove the commercial space on the first floor of the existing building and replace it with a studio apartment.]*

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

Witness:

Al Sambade, AIA, PP, PE, was sworn to provide expert testimony in support of this application. Mr. Sambade offered a 1965 Sanborn Map into evidence, which was marked as Exhibit A-21. Mr. Sambade testified that the preexisting nonconforming use is an expansion and that the applicant needs a d-2 use variance because the preexisting nonconforming use existed prior to the adoption forbidding this use. Mr. Sambade said that the proposed use has a lesser impact than the retail space and the residential unit will be handicapped accessible. Mr. Sambade addressed the consulting City Planner's report dated June 21, 2019 as well as the City Official's reports.

Board questions:

Commissioners Egan and De Ros questioned Mr. Sambade as did City Planner Apte.

Audience questions:

There were no questions from the general public.

Caucus:

Chairman Urban said that the applicant has met the criteria for approval and he is in favor of this application.

Commissioner Adams said that the conversion to residential makes sense.

Commissioners Pineiro, Veloz, Lombardi, De Ros, DiLullo and Egan 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 of eligible members followed.

Public Hearing:

Z-19-018 - 434-436 AVE C HCPVI LLC – Site: 434-436 Avenue C in City Block 225, Lot 48 *[The applicant is seeking preliminary and final major site plan approval as well as use and bulk variance relief to allow the conversion of the ground floor commercial spaces into two one-bedroom apartments in the existing building.]*

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

Witness:

Al Sambade, AIA, PP, PE was sworn to provide expert testimony in support of the application. Mr. Sambade offered into evidence a new exhibit (1912 Sanborn Map) marked as Exhibit A-21. Mr. Sambade stated that there has been difficulty in renting the commercial spaces and that is why this application has been filed. He described the proposed renovation of the front façade of the building and said it would be done to replicate the upper floors. The commercial glass façade will be replaced with a brick veneer finish and residential windows. He described the entrance to the apartments as being accessed from the interior hall. Mr. Sambade said that he reviewed the variances required and provided testimony to support the expansion of the nonconforming use. Mr. Sambade also addressed the comments offered by our City Planner Malvika Apte. He also provided testimony with regard to the positive and negative criteria.

Board questions:

Consulting City Planner Apte questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing remarks:

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

Caucus:

Chairman Urban said that this area is in transition and he is in favor of the application. Commissioners Adams, Pineiro, Veloz, Lombardi, DeRos, DiLullo and Egan concurred.

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

Adoption of Resolutions:

- **Z-19-022 T-MOBILE NORTHEAST, LLC – Site: 434-436 Avenue C in City Block 225, Lot 48**
 - 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 8:31 p.m.

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

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