

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 18, 2019

A **REGULAR MEETING** of the Zoning Board of Adjustment was held on Monday, November 18, 2019, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:11 p.m. Secretary Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Egan, Lombardi, Pineiro, DiLullo, Calcaterra and Veloz. Commissioners Klimansky, Iapicca and DeRos were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Malvika Apte, PP, consulting City Planner and Darren Mazzei, PE, City Engineer's Office.

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 October 21, 2019 regular meeting.

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

Communications:

Letter dated October 29, 2019 from Jeremy Doppelt Realty Management, LLC (Z-13-003); 19 New Street, Block 434, Lot 6 withdrawing approval granted by the Zoning Board in connection with this site.

Public Hearing:

Z-19-027 PETER AWAD – Site: 140 West 3rd Street in City block 363, Lot 28 *[The applicant is seeking a bulk variance for parking stall size and stacked parking]*

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

Witness:

Alan Feld, RA, was called and sworn to provide expert testimony in support of the application. Mr. Feld described the changes made to the previous plan that had been denied by the Board. He discussed the changes to the entrance, to the first and second floors and access to the two units. Mr. Feld further testified that the stacked parking would not be obstructive to the entering and exiting of a vehicle. He also addressed the comments offered by the City Planner in her report dated October 18, 2019.

Board questions:

Commissioners Egan, DiLullo and Lombardi questioned Mr. Feld. City Planner Malvika Apte also questioned Mr. Feld.

Audience questions:

There were no questions from the general public.

Closing remarks:

There were no closing comments from the general public.

Paul Weeks, Esq., relied on the testimony of his expert and respectfully requested the Board approve the application.

Caucus:

Chairman Urban found the changes made to the original application to be satisfactory.

Commissioners Adams and Pineiro were satisfied with the changes and commended the applicant for taking the Board's suggestions.

Commissioner Calcaterra had no comment and Commissioner Veloz abstained from making any comment.

Commissioners Lombardi and DiLullo felt that the parking is an issue.

Commissioner Egan was in favor of the application even though he did not like the design.

Commissioner Egan made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Adams seconded the motion and the vote was as follows:

Aye votes:

Chairman Urban
Commissioner Adams
Commissioner Egan
Commissioner Pineiro
Commissioner Calcaterra

Nay votes:

Commissioner Lombardi
Commissioner DiLullo

The applicant having received five affirmative votes is hereby approved.

Public Hearing:

P-19-021 MAG REALTY GROUP, LLC – Site: 360 Broadway in City Block 241, Lot 21 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to construct an addition to the existing mixed-use building for a total of one commercial space and seven residential units.]*

Christopher Vitale, Esq., attorney for the application gave a brief overview of the application, offered his exhibits into evidence and called his first witness.

Witness:

Menachem Klein, owner/applicant, was sworn to provide factual testimony. Mr. Klein described the proposed changes/renovation to the building.

Board questions:

Chairman Urban questioned the ADA compliance to the first floor apartment and roof access.

Audience questions:

Resident Mike Rusigno was concerned about what impact a four-story building will have on sparrows and their migratory patterns.

Witness:

Rami Bitar, AIA, was called and sworn to provide expert testimony in support of the application. He testified that he prepared the site plan and is familiar with this application. He described the site plan that was marked into evidence. Mr. Bitar also testified that he did not prepare a rooftop plan.

Board counsel Richard Campisano, Esq., said that without the rooftop plan, the Board is being asked to vote on speculation. All commissioner agreed that they could not do that.

The application agreed to carry this application to the December 16, 2019 meeting.

Commissioner Egan made the motion to carry without further notice and Commissioner Adams seconded the motion. A unanimous vote of eligible members followed.

Public Hearing:

Z-19-020 MAG REALTY GROUP, LLC – Site: 354 Broadway in City Block 241, Lot 21 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to construct an addition to the existing mixed-use building for a total of one commercial space and eight residential units.]*

Christopher Vitale, Esq., attorney for the applicant, gave his opening remarks and offered his exhibits into evidence.

The Board commented that the subject property encroached on an adjacent neighbor's property causing a jurisdictional issue. The applicant was advised that he required an Affidavit from the neighbor giving permission to proceed with this encroachment/

Commissioner Adams made a motion to carry this application to the December 16, 2019 meeting. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

Adoption of Resolutions:

- **Z-13-003 JEREMY DOPPELT REALTY MANAGEMENT, LLC – Site: 19 New Street in City Block 434, Lot 6**
 - Commissioner Egan made a motion to adopt the resolution dismissing this approval and Commissioner Lombardi seconded the motion. A unanimous vote of eligible members followed.

A motion was made to close the meeting at 7:01 p.m.

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

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