

ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 15, 2020

A virtual meeting of the City of Zoning Board of Adjustment was conducted by electronic means on Monday, June 15, 2020 as permitted during this State of Emergency due to the COVID 19 pandemic.

Chairman Urban called the meeting to order at 6:00 p.m. Secretary Lombardi called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Lombardi, Pineiro, DeRos, DiLullo, Calcaterra, and Azer. Commissioner Iapicca was absent.

Also present were Richard N. Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer, Malvika Apte, PP, consulting City Planner 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 February 24, 2020 regular meeting.

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

Public Hearing:

Z-20-004 – 491 BROADWAY BAYONNE, LLC – Site: 491 Broadway in City Block 204, Lot 73 *[The applicant is seeking preliminary and final major site plan approval along with use and bulk variance relief to allow a residential unit on the ground floor of the existing*

building and to construct an additional floor for residential units that will result in a total of seven residential units.]

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

Witness:

Al Sambade, AIA, PP, PE was sworn and recognized as an expert witness to testify in support of the application. Mr. Sambade testified that he was retained by the applicant to prepare the site plan for this application. He described the site and said that there are several mixed use multifamily residential dwellings and a number of commercial and retail uses along Broadway. He described the proposed improvement to the facades of the building and said that this project will revitalize that area of Broadway. Mr. Sambade addressed the requested variances and provided justification for same. He noted that the building is currently vacant. Mr. Sambade addressed the comments offered by the consulting City Planner and City Engineer in their reports. He gave testimony as to the positive and negative criteria and opined that approval of this application will not impair the Zone Plan and Zoning Ordinance. He said that the proposed use is appropriate and can be approved.

Board questions:

Commissioners Urban, Pineiro, Adams, DiLullo, Lombardi, DeRos and Calcaterra questioned Mr. Sambade. They all had issues with the proposed access to the handicap unit from Del Monte Drive. Consulting City Planner Apte also questioned Mr. Sambade.

Audience questions:

Resident Mike Rusigno questioned Mr. Sambade.

Closing Remarks:

Mr. Zucker stated that Mr. Sambade gave sufficient justification for the Board to grant approval. He respectfully requested the Board look favorably upon this application.

Caucus:

Chairman Urban said that the building will revitalize Broadway and the only problem he had was with the access on Del Monte Drive. He said, if the application is approved, he wants the applicant to meet with the City professionals to discuss the Del Monte Drive issue. He is in favor of this application.

Commissioner Adams expressed the same concern as Chairman Urban and opined that by providing a parking space for that handicap unit accessed from Del Monte Drive this issue could be alleviated. He is in favor of the application.

Commissioner Pineiro concurred with Chairman Urban and Commissioner Adams. He is in favor of the application.

Commissioner DiLullo said that without a full sidewalk the rear unit would still have access issues and was not in favor of the application.

Commissioners DeRos, Calcaterra and Lombardi were in favor of the application.

Commissioner Azer, who was not eligible to vote, said that he, if eligible, would vote in favor of the application.

Commissioner Adams made a motion to approval the application subject to any and all conditions agreed to across the record and Commissioner Lombardi seconded the motion. The vote was six to one in favor of the application. The application was approved.

Public Hearing:

Z-20-003 ELIZABETH VARJAN – Site: 68 West 40th Street in City Block 104, Lot 23 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to convert a dental office into a residential unit, creating three residential units.]*

Peter Cecinini, Esq., attorney for applicant, briefly described the application, moved his exhibits into evidence and called his first witness:

Witness:

Stephen Kawalek, AIA, PP, PE was sworn and accepted as an expert witness to testify on behalf of the application. Mr. Kawalek described the site plan that was prepared and submitted by him as part of the application. He indicated that the building was designed to blend in with the unique characteristics of the site. He further testified as to the positive and negative criteria and gave his reasons to support the variances requested. He testified that approval of this application will not negatively affect the surround area, zone plan or zoning ordinance.

Board questions:

Chairman Urban and Commissioners Pineiro, DiLullo and DeRos questioned Mr. Kawalek as did consulting City Planner Apte.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Cecinini respectfully requested the Board approve the application.

Caucus:

Chairman Urban said he feels the proposed conversion of the property is less intensive than the previous use and he is in favor of the application.

Commissioner Adams said that the conversion would be more conforming to the property and zone and he is in favor of the application.

Commissioners Pineiro, DeLusso, DeRos, Calcaterra, Lombare and Azer agreed with their fellow Commissioners.

Motion:

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

Public Hearing:

Z-20-002 TATYANA MITROFANOVA – Site: 24-26 East 32nd Street in City Block 154, Lot 36 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow a fifth residential unit in an already pre-existing nonconforming building.]*

Peter Cecinini, Esq., attorney for applicant offered his exhibits into evidence and called his first witness:

Witness:

Stephen Kawalek, AIA, PP, PE was sworn to provide expert testimony in support of the application. Mr. Kawalek testified that he was retained by the applicant to prepare the site plan for this application. He described the plan and the four- (4) bedroom residential unit. Mr. Kawalek testified there would be no exterior changes to the building. He said that this application will not have a negative effect on the neighborhood or surrounding area. He provided justification as to the variances requested.

Board questions:

Commissioners Adams and Pineiro questions Mr. Kawalek as did consulting City Planner Apte.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Cecinini respectfully requested the Board approve the application.

Caucus:

Chairman Urban said he sees no negative impact to the surrounding area and he is in favor of his application.

All Commissioners concurred.

Motion:

Commissioner Adams 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-20-001 SCOTT McKEVITT – Site: 86 Andrew Street in City Block 237, Lot 27
[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the construction of a three-family home that was destroyed by fire.]

Peter Cecinini, Esq., attorney for applicant, offered his exhibits into evidence and called his first witness.

Witness:

Stephen Kawalek, AIA, PP, PE, was sworn and recognized as an expert witness to testify on behalf of the application. Mr. Kawalek described the plans prepared by him and discussed the

uniqueness of the site. He provided testimony in support of the variances requested and the impact this application may have on the site and surrounding areas. It was his professional opinion that this application does not presents a negative impact to the neighborhood or surrounding area. Mr. Kawalek also addressed the comments offered by the City professionals.

Board questions:

Commissioner DeRos and consulting City Planner Apte questioned Mr. Kawalek.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Cecinini respectfully requested the Board to look favorably upon this application.

Caucus:

Chairman Urban said the application meets all of the criteria and he is in favor of the application.

All Commissioners concurred with Chairman Urban.

Motion:

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

A motion was made to close the meeting at 8:15 p.m.

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

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