



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JANUARY 25, 2021**

A virtual meeting of the City of Zoning Board of Adjustment was conducted by electronic means on Monday, January 25, 2021 as permitted during this State of Emergency due to the COVID 19 pandemic.

Chairman Urban called the meeting to order at 6:02 p.m. Secretary Lombari called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Lombari, Pineiro, DeRos, DiLullo and Gamal. Secretary Lombari announced that Commissioner John Calcaterra has stepped down from the Board.

Also present were Richard Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer, Malvika Apte, PP, consulting City Planner, Suzanne Mack, PP, City Planner and Alicia Losonczy, Zoning Board of Adjustment Secretary.

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 and as permitted during a State of Emergency as declared by Governor Phil Murphy. It is being conducted in accordance with all of the protocols and procedures set by the City of Bayonne and this Board in compliance with regulations issued by the State Department of Community Affairs for the conducting of open public meetings on a remote/virtual basis with use of a webinar-type platform.

Adoption of Minutes:

Chairman Urban called for the adoption of the minutes from the December 21, 2020 regular meeting.

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

Adoption of Zoning Board of Adjustment Annual Report for Calendar Year 2020:

- Commissioner Adams made the motion to approve the annual report and Commissioner Pineiro seconded the motion. A unanimous vote followed.

Communications:

- Z-18-008 – PENTECOSTAL MISSIONARY CHURCH OF CHRIST – Site: 363 Broadway in City Block 240, Lot 23 with a motion to dismiss for lack of prosecution.
 - Attorney Paul Weeks requested this matter be carried to the February 22, 2021 meeting as he will have a final decision from his client before then.

Presentation of Zoning Ordinance Modifications in regard Pervious Coverage:

Joseph DeMarco, Esq., Development Counsel, gave a presentation informing everyone of recent Zoning ordinance modifications in regard to pervious coverage modifications for different districts and the Long Term Control Plan.

Public Hearing:

Z-20-008 – GOODMAN LOFTS, LLC – Site: 21 – 25 West 20th Street in City Block 216, Lot 8 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to allow the renovation of the existing building and create ten (10) residential units with parking for three (3) cars.]*

Erica Edwards, Esq., attorney for the applicant, gave an overview of the application, offered her exhibits A-1 through A-25 into evidence and called her first witness.

Witness:

Al Sambade, Architect, was sworn in as an expert witness. He provided testimony that the building was originally built in 1904 and is a pre-existing non-conformity. He spoke of the automotive repair facility at the site and described it as a single-operation of perhaps two automotive repairs per day; an oil-change type of set-up. The hours of operation at the garage would be from 8:00 am – 4:00 pm and a few hours on Saturday morning. Mr. Sambade said the residential aspect currently consists two apartments and the proposal is for a total of ten apartments with three parking spaces.

Board questions:

Chairman Urban, Commissioners Adams, Gamal, Pineiro, Lombardi and DiLullo questioned Mr. Sambade. Ms. Apte also questioned Mr. Sambade.

A short break was taken at 8:10 pm. Secretary Lombardi called the roll and the meeting reconvened at 8:23 pm.

Ms. Edwards stated that she had an opportunity to speak with her client, Mr. Powers, during the break and he would like to carry the matter to the next meeting, tolling the Board's time, in order to return with modifications to their application, with an adaptive reuse of what will be the former automobile service garage.

Motion:

Commissioner Adams made a motion to carry the matter to the February 22, 2021 meeting and Commissioner Pineiro seconded the motion. A unanimous vote followed.

Public Hearing:

Z-20-015 – POWER FOR LIVING CHRISTIAN CULTURAL CENTER – Site:
813-817 Broadway in City Block 113, Lot 16 *[The applicant is seeking preliminary and final major site plan approval, along with use and bulk variance relief to a Christian Cultural Center at the site.]*

Paul N. Weeks, Esq., attorney for the applicant, gave an overview of the application, offered his exhibits into evidence and called his first witness.

Witness:

Ms. Tammy Blount was sworn to provide testimony in support of the application. Ms. Blount has been a minister working with ministry for over thirty years. Her present congregation had been together for eight years and consists of 25 – 30 adult parishioners along with 7-8 children with a majority coming from Bayonne. Mass Schedule is Sunday from 11:30 – 1:30, weekly Bible Study, different classes, prayer meetings, youth programs and recreational activities.

Board questions:

Chairman Urban, Commissioners Pineiro, Adams, Gamal and Ms. Apte questioned Ms. Blount.

Audience questions:

Joan McGinn asked why there were 200 chairs moved in a few months back. Ms. Blount said that they only moved in 120 chairs. Ms. McGinn also asked if there would be a daycare on site or if they would be selling tickets to events to which Ms. Blount responded there would not and probably no events but they may do fundraising.

Michael McGinn asked if they would expect more than 35-40 people at their fundraising events and Ms. Blount said that was not on their agenda to have that many people.

Witness:

Al Sambade, Architect and Planner, was sworn in as an expert witness. He described the nature of the application giving details of the architectural and engineering aspects. The subject property is located in the CBD – Central Business District and involves the second floor area only. Mr. Sambade testified that there would be no interior or exterior construction proposed except for the delineation of a fenced-in trash area and two exterior lights. The subject second floor which is approximately 4,500 square feet has been vacant for fifteen years. Mr. Sambade said that the landlord was previously given an approval for residential space, however, now still rents to Kessler Rehabilitation and hopes to be able to rent to this new tenant proposed.

Board questions:

Chairman Urban, Commissioners DiLullo and Lombardi questioned Mr. Sambade.

Audience questions:

There were no questions from the audience.

Witness:

Mr. Joseph Staigar, PE, PP, was sworn to provide testimony and reviewed his parking study. He reviewed his report which included a parking analysis. Mr. Staigar described the parking issue and the variance requested.

Board questions:

Chairman Urban, Commissioners Pineiro DiLullo, Gamal and Ms. Apte questioned Mr. Staigar.

Audience questions:

Michael McGinn questioned Mr. Staigar. Joan McGinn questioned Mr. Staigar.

Closing remarks:

Paul N. Weeks, Esq., said that he would rely on the testimony given by his experts and respectfully requested the Board approve this application.

Closed Caucus:

Chairman Urban thanked both Mr. and Mrs. Blount for the service they provide the community but that limiting the occupancy of the building may impact the neighborhood less. Commissioner Lombardi agreed. Commissioner Adams and DiLullo mentioned that the conditional use requirements of the church is difficult to meet, however, is an inherently beneficial use. DiLullo suggested the board consider making the building sound-proof and limiting the number of congregants. Commissioner DeRos is in favor of the application with a capacity limit on the growth of their parishioners.

Motion:

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

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Mark Urban	[X]	[]	[]	[]	[]
Clifford Adams	[X]	[]	[]	[]	[]
Louis Lombardi	[X]	[]	[]	[]	[]
Nicholas DiLullo	[X]	[]	[]	[]	[]
Arrigo DeRos, Jr.	[X]	[]	[]	[]	[]
Joseph Pineiro	[X]	[]	[]	[]	[]
John Calcaterra	[]	[]	[]	[]	[X]
Ehab Gamal	[X]	[]	[]	[]	[]

Adoption of Resolutions:

- **RESOLUTION ADOPTING THE ANNUAL REPORT ON VARIANCE APPLICATIONS AND APPEALS FOR VARIANCES FOR CALENDAR YEAR 2021**
 - Commissioner Lombardi made a motion to adopt the resolution Commissioner Pineiro seconded the motion. A unanimous vote of eligible members followed.

A motion was made to close the meeting at 10:20 p.m.

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

/akl