



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
FEBRUARY 22, 2021**

A virtual meeting of the City of Zoning Board of Adjustment was conducted by electronic means on Monday, February 22, 2021 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 Lombari called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Lombari, Pineiro, DiLullo, DeRos, Gamal and Sisk-Galvin.

Also present were Richard Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer, Malvika Apte, PP, consulting City Planner, 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.

Adoption of Minutes:

Chairman Urban called for the adoption of the minutes from the January 25, 2021 regular meeting.

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

Public Hearing:

- 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.
 - Commissioner Adams made the motion to dismiss this application without prejudice and Commissioner DiLullo seconded the motion. A unanimous vote followed.

Public Hearing (Item VII): (continued)

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, offered her additional exhibit A-26 Revised Site Plan into evidence, discussed the modifications to the application proposed and called upon her witness

Witness:

Al Sambade, Architect, was sworn to provide expert testimony in support of the application. Mr. Sambade testified that the applicant has decided to remove the automotive portion of the application and replace it with two additional residential apartments for a total of twelve residential units. Mr. Sambade also testified that the curb cut will be reduced from twenty feet to sixteen feet and only have one curb cut now. He stated that the parking modification included an original three parking spaces, the new plan offers eight parking spaces, reducing the deficit from seventeen to four parking spaces. The use permit is related only to the residential aspect now since the automotive garage has been removed.

Board questions:

Commissioners Pineiro, DiLullo, DeRos and Gamal questioned Mr. Sambade. Mika Apte questioned Mr. Sambade.

Audience questions:

Remon Jacoub on behalf of his father who is the mechanic at the current garage location questioned Mr. Sambade.

Closing remarks:

Erica Edwards, Esq., said that she would rely on the testimony given by Mr. Sambade on the updated proposal and respectfully requested the Board approve this application.

Closed Caucus:

Chairman Urban said that he felt this project adds to the character of the neighborhood, is pleased the applicant addressed the Board's concerns with their revisions and is in favor of this application. All commissioner concurred with Chairman Urban with the suggestions added to the approval.

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]	[]	[]	[]	[]
Ehab Gamal	[]	[X]	[]	[]	[]
Cindi Sisk-Galvin	[]	[]	[X]	[]	[]

Public Hearing: (Item VIII)

Z-20-012 – JOHN MOZUMDAR – Site: 295 Avenue B in City Block 33, Lot 16 *[The applicant is seeking to convert the ground floor commercial space to a residential unit in this existing two-story building.]*

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

Witness:

Al Sambade, Architect, was sworn to provide expert testimony in support of the application. Mr. Sambade testified that the existing four unit building consists of three residential units and one commercial which has been vacant since 2018. He discussed the application and what relief is required. Mr. Sambade stated there is no addition or expansion of any sort and this proposal brings it more into compliance than its prior use.

Board questions:

Chairman Urban, Commissioner DiLullo questioned Mr. Sambade.

Audience questions:

There were no questions from the audience.

Closing remarks:

Peter Cecinini, Esq., said that he would rely on the testimony given by Mr. Sambade and respectfully requested the Board approve this application.

Closed Caucus:

Chairman Urban said that this is probably the best use for this building, the applicant met the burden of proof for the relief necessary and will be voting in favor of this project. All commissioners concurred with Chairman Urban.

Motion:

Commissioner Adams made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro 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]	[]	[]	[]	[]
Ehab Gamal	[X]	[]	[]	[]	[]
Cindi Sisk-Galvin	[X]	[]	[]	[]	[]

A short break was taken at 7:31. Secretary Nadrowski took a roll call and the meeting reconvened at 7:43 pm.

Public Hearing: (Item IX)

Z-21-001 – MARIM FAM– Site: 42 Country Village Court in City Block 235, Lot 8

[The applicant is seeking a Certificate of Non-Conformity from the Zoning Board of Adjustment for the use of the property as a third-unit dwelling located in the R-2 District which only permits detached single-family dwellings.]

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

Witness:

Ms. Marim Fam, Property Owner, was not able to come on camera or participate in the meeting through her computer.

Mr. Agresti discussed that his client purchased the property in November of 2019 and at that time there was a CCO issued as a two-unit dwelling. Mr. Agresti said that the homeowner has the apartment registered with the Department of Community Affairs as a three unit dwelling. Mr. Agresti also referred to the 1990 Tax Property Record Card which recognized the summer kitchen on the ground floor. The previous tenant occupied the ground floor apartment space for fourteen years. One photo reflects the three meters that are in existence at the time his client purchased the property.

Board questions:

Commissioner Adams, Chairman Urban, Commissioners DeRos, DiLullo, Gamal and Pineiro questioned Mr. Agresti. Ms. Apte stated the unit was always registered as a two-unit dwelling and urged the applicant to provide more proofs whether the third unit existed prior to 1995.

Audience questions:

Patrick Sullivan, Mina Morales, and Elaine Brandentine gave their opinions on the application.

Closing remarks:

Pasquale Agresti, Esq., said that he would rely on the testimony given and respectfully requested the Board approve this application.

Caucus:

Chairman Urban said that he cannot support granting the Certificate of Non-conformity and his fellow Commissioners concurred.

Motion:

Commissioner Adams made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro 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]	[]	[]	[]
Ehab Gamal	[]	[X]	[]	[]	[]
Cindi Sisk-Galvin	[]	[X]	[]	[]	[]

Adoption of Resolutions:

• **Z-20-015 – POWER FOR LIVING CHRISTIAN CULTURAL CENTER – Site:
813-817 Broadway in City Block 113, Lot 16**

- Commissioner Adams made a motion to adopt the resolution 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]	[]	[]	[]	[]
Ehab Gamal	[X]	[]	[]	[]	[]
Cindi Sisk-Galvin	[X]	[]	[]	[]	[]

• **Z-18-008 – PENTECOSTAL MISSIONARY CHURCH OF CHRIST – Site: 363
Broadway; Block 240, Lot 23**

- Commissioner Adams made a motion to adopt the resolution Commissioner Pineiro 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]	[]	[]	[]	[]
Ehab Gamal	[X]	[]	[]	[]	[]
Cindi Sisk-Galvin	[X]	[]	[]	[]	[]

A motion was made to close the meeting at 8:25 p.m.

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

/akl