



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 21, 2021

A hybrid (virtual and in-person) meeting of the City of Zoning Board of Adjustment was conducted by electronic means on Monday, June 21, 2021 as permitted during this State of Emergency due to the COVID 19 pandemic.

After notice was provided by Board Counsel, Richard Campisano, Esq. that both the Chairman and Vice-Chairman would be absent from the meeting this evening, there was a motion made by Joe Pineiro to have Secretary Lombari serve as Chair Pro Tem for the meeting. Commissioner DeRos seconded the motion.

Chair Pro Tem Lombari called the meeting to order at 6:34 p.m. Mr. Campisano called the roll. Present at the meeting were Chair Pro Tem Lombari, Commissioners Pineiro, DiLullo, DeRos, Gamal, Sisk-Galvin and Blake. Chairman Urban and Vice-Chairman Adams were absent.

Also present were Richard Campisano, Esq., Board Counsel, Malvika Apte, PP, consulting City Planner, and Alicia Losonczy, Zoning Board of Adjustment Administrator.

After the Pledge of Allegiance to the Flag, Chair Pro Tem Lombari declared a quorum and advised that the Board had complied with the Open Public Meetings Act/Sunshine Law.

Adoption of Minutes:

Chair Pro Tem Lombardi called for the adoption of the minutes from the May 17, 2021 regular meeting.

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

Communication:

- Correspondence from Michael Miceli, attorney for application Z-20-006 – US MASTERS RESIDENTIAL PROPERTY FUND (USA) Motion for Reconsideration of Application and Alternative Relief requesting the Resolution not be voted on at this meeting as the applicant will be filing a Motion for Reconsideration of the denial with a revised plan sheet providing items discussed at the hearing, as well as a request for alternative relief in the form of issuance of Zoning Certification of Non-Conformity.
 - Commissioner Pineiro made a motion to adjourn the vote on the resolution. Commissioner DeRos seconded the motion and a unanimous vote followed.

Adoption of Resolutions:

- **Z-20-009 – VITO SPANO – Site: 16 West 49th Street in City Block 64, Lot 33**
 - Commissioner Pineiro 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]	[]	[]	[]	[]
Ryan Blake	[X]	[]	[]	[]	[]

- **Z-21-003 – NL PROPERTIES, LLC – Site: 318 Avenue B in City Block 26, Lot 6**

- Commissioner Pineiro made a motion to adopt the resolution Commissioner Sisk-Galvin 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]	[]	[]	[]	[]
Ryan Blake	[X]	[]	[]	[]	[]

- ❖ *Commissioner Gamal recused himself from both applications due to a conflict of interest with both of the next public hearing matters.*

Public Hearing #1:

Z-21-004 – RYAN EHRLICH – Site: 40 East 33rd Street in City Block 146, Lot 27

[The applicant is seeking preliminary and final major site plan approval along with a bulk variance for the construction of a carport to accommodate two parking spaces.]

William J. Finnerty, Esq., attorney for the applicant, virtually gave an overview of the application, offered her exhibits into evidence and called his first witness.

Witness #1:

Albert Arencibia, Architect, was virtually sworn to provide expert testimony in support of the application. He discussed the proposed application and the relief being sought.

Board questions:

Chair Pro Tem Lombardi, Commissioners DiLullo and DeRos questioned Mr. Arencibia.

Audience questions:

Ms. Pauline Tobey of 42 East 33rd Street questioned Mr. Arencibia about the proposal.

Witness #2:

John McDonough, Project Planner, was virtually sworn to provide expert testimony in support of the application. He shared aerial images of the property and neighborhood describing the parking arrangement and the proposed carport.

Board questions:

Commissioners DiLullo, DeRos, Pineiro and Ms. Apte questioned Mr. McDonough.

Audience questions:

There were no questions from the audience for Mr. McDonough.

Closing remarks:

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

Caucus:

Chair Pro Tem Lombardi said that he felt this project is not warranted. He felt that it would be detrimental to remove the off-street parking, especially since there is a parking lot across the street. Commissioner Pineiro believes the application conforms to the immediate area. Commissioner DiLullo is in favor if conditions are applied to the approved and his fellow Commissioners agreed.

Motion:

Commissioner DiLullo 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]	[]	[]	[]	[]
Ryan Blake	[X]	[]	[]	[]	[]

- ❖ *Commissioner Gamal recused himself from this application due to a conflict of interest with the next public hearing.*

Public Hearing #2:

Z-21-006 – DÉCOR BY LIZ – Site: 512-514 Broadway in City Block 197, Lot 4.01

[The applicant is seeking use and bulk variance relief in order to use the ground floor commercial/residential space for events and party planning.]

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

Witness:

Lisette Morel was sworn to provide expert testimony in support of the application. She testified that she is the owner of Décor By Liz presently located at 780 Broadway, a decorating company for parties. Ms. Morel is looking to use the ground floor of this location as a party venue to host and decorate parties, while also storing decorations on site as well. She testified most parties would take place on Fridays, Saturdays and Sundays and last four hours long. No kitchen will be on site, catered food will be brought in to the venue by the customer. The glass façade will be covered by blinds or curtains for privacy of the customers. There may be 2

employees during the week and 3 – 5 during a party. She mentioned the parking lots in the area that would be used.

Board questions:

Commissioners Pineiro, DeRos, Blake, Dilullo and Ms. Apte questioned Ms. Morel.

Audience questions:

There were no questions from the audience of Ms. Morel.

Witness:

Steve Kawalek, Architect, was sworn to provide expert testimony in support of the application. He explained the interior alterations would be minimal; painting, new flooring, adding two new bathrooms and interior partitions to create a storage area. The sign from the previous location will be relocated and placed. Mr. Kawalek explained the requirement for the use and parking variances but that this application has very little modifications.

Board questions:

Commissioners Pineiro, DeRos and Ms. Apte questioned Mr. Kawalek.

Audience questions:

There were no questions from the audience of Mr. Kawalek.

Closing remarks:

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

Caucus:

Chair Pro Tem Lombardi advised that he will be voting in favor of this application as it would be a good fit for the neighborhood and serves a good use for the community. All commissioners concurred with Chair Pro Tem Lombardi.

Motion:

Commissioner Dilullo 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]	[]	[]	[]	[]
Ryan Blake	[X]	[]	[]	[]	[]

A motion was made to close the meeting at 8:20 p.m.

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

/akl