

BOARD OF ADJUSTMENT
375 New Brunswick Ave.
Perth Amboy, New Jersey 08861

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**CITY OF PERTH AMBOY
BOARD OF ADJUSTMENT**

MINUTES OF THE MEETING

THURSDAY, JUNE 9, 2016

The meeting was called to order at 7:00 P.M. by Chairman Michael Savoia.

Salute to the flag (Pledge of Allegiance was said).

The Chairman of the Perth Amboy Board of Adjustment, Michael Savoia advised the audience that notice of this meeting has been filed with the Home News Tribune and City of Perth Amboy's web page at www.ci.perthamboy.nj.us and posted on the Bulletin Board in the City Clerk's office, indicating that tonight's meeting is being held at the Council Chambers, City Hall, 260 High Street, at 7:00 p.m.

ROLL CALL:

Those present: Chairman Michael Savoia, Vice Chairman Ronald Ray, Mrs. Linda Cruz, Mr. Reinaldo Aviles, and Mrs. Ana Maria Mascenik, Jose Amarante

Those absent: Ms. Wilma Matey (excused), and Mr. Scott Farber (no excuse)

Zoning Board Staff: Lance Nelson, Administrative Officer
Alfred J. Petit-Clair, Jr., Esq.
Jeffrey Rauch, P.E., P.P.
Iwona H. Cwiek, Recording Secretary

Chairman Savoia presented City Council Resolution dated May 25, 2016, authorizing the removal of Ms. Susan Batista, effective immediately, from the Board of Adjustment, for failure to comply with the financial disclosure requirements of N.J.S.A. 40A:9-22.6 and failure to comply with a notice of violation issued by the State of New Jersey Local Finance Board related thereto.

CLOSED SESSION:

Board adjourned briefly to discuss litigation.

Meeting has been resumed.

Chairman Savoia appoints Ms. Cruz as Secretary for today's meeting. All Members present were in favor.

APPLICATIONS:

Docket No. 3027 Capa Construction LLC
371 Meredith Street
Block 326; Lot: 21

This applicant wants to construct a single family dwelling on a non-conforming 25 x 100 lot

Mr. Falster Simoes, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. Mr. Simoes gave a brief introduction on the subject application.

All witnesses have been sworn-in by Mr. Petit-Clair, Esq.

Mr. Otlowski calls his first witness Mr. Angelo J. Valetutto, PP, PE. He acknowledges of receiving the report from Center State Engineering and agrees with it, the applicant will comply with the report. Mr. Valetutto stated that the application is seeking approval to construct a one family, story residential dwelling. The subject site contains 2,500 sq. ft. and is located in the R-50 Residential Zone with frontage on Meredith Street. The applicant had requested bulk variance relief. The applicant is not able to acquire adjoining properties. Mr. Valetutto described the subject property and stated that the applicant will provide 2 off street parking spaces.

Public portion:

- Sonia Negron, 373 Meredith Str., in her opinion the lot is too small to build the house.
- Armando Sorano, 655 Jacques Str., in his opinion there is not enough space to build the house.
- Lorraine McCarthy, 660 Amboy Avenue, democratic women for that area. In her opinion the parking lot is the issue in this area.

Vice Chairman Rey made a motion to deny the application and the motion was so moved and second by Mr. Aviles. The motion to deny was voted on and approved by the vote of 6.

Docket No. 3028 P.I.L. Real Estate LLC
653 New Brunswick Avenue / 471 Rathbun Place
Block 188; Lots: 1, 2, 5, & 6

The applicant wants to subdivide lot 1, 2 from 5, 6 and demolish the dwelling on lots 1, 2 construct a two (2) story mixed use building. The first floor would be retail / office, the 2nd floor would have (2) two (2) bedroom apartments; the existing (2) family use on lots 5, 6 to remain. Cross access easement for parking for both buildings.

Mr. Bob Smith, Esq., is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. Mr. Smith gave a brief introduction on the subject application.

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Mr. Smith calls his first witness Mr. Angelo J. Valetutto, PP, PE. His is sworn-in by Mr. Petit-Clair. Mr. Valetutto stated that the applicant seeks approval to subdivide the tract into 2 lots, with each contain 5,000 sq. ft. Proposed Lot 1.01 will have 50 feet of frontage on New Brunswick Avenue and 100 feet of frontage on Rathbun Place. This lot is within the C-1 Zone. Proposed Lot 1.02 will have frontage on Rathbun Place and is within the R-25 Zone. The 2 lots will share a common paring area. Proposed Lot 1.01 contains an existing 1-story commercial building which will be demolished and a 2-story mixed-use building is proposed with 4 parking spaces. The first floor will contain a retail/office use and the second floor will contain two 2-bedroom apartments. Proposed Lot 1.02 contains the existing 1-1/2 story dwelling. The building is proposed to contain a 1-bedroom apartment and a 2-bedroom apartment with 8 parking spaces. The area of the first floor of the existing building is 952.41 sq. ft.

Mr. Valetutto stated that the application seeks use variance, a minor site plan and a minor subdivision approval of a 10,000 sq. ft., L-shaped tract of land containing Lots 1, 2, 5, and 6 in Block 188 with frontage on New Brunswick Avenue, in the C-1 Neighborhood Business Zone and Rathbun Place in the R-25 Residential Zone.

Mr. Smith calls his second and third witnesses, the owners, Mr. Frank Waidzinski and Karen Martinez. Both are sworn-in by Mr. Petit-Clair. Mr. Waidzinski stated that their intention is to have an office on the first floor. He submitted Exhibit A-1 – 2nd floor layout of the new building.

Public portion: none

Mr. Smith asked to carry this application to the July 14, 2016, meeting, to provide more information as requested. No further notices are required.

**Docket No. 3029 226 New Brunswick Avenue LLC
 226 New Brunswick Avenue
 Block 153; Lots 6 & 7**

The property contains an existing (3) three story masonry building. The applicant proposes to utilize the first floor as (7) seven parking spaces on site and (3) three off site for a total of (10) ten parking spaces. The second and third floors for residential apartments. The total number of apartments would be (18) eighteen, (9) nine units per floor.

Mr. Kevin Morris, Esq. is representing the applicant. He submitted an affidavit of publication and affidavit of service prior to the meeting. Mr. Morris stated that the applicant revised the previous application and made significant changes.

3 witnesses have been sworn-in: Mr. Denis Taveras, Ronald Kacmarsky, and Angelo J. Valetutto. Mr. Morris calls his first witness Mr. Taveras, PE, PP. He stated that he is the principal of the property. Mr. Taveras said his family is in realty business for many years. He purchased the property in 2008, before that there was Giles Furniture storage. After purchasing the building, he went thru the renovations but, no one was interested in renting the office space on the second or third floor.

Mr. Taveras submitted Exhibit A1 – 2 photos before and after renovation. So far he spent \$614,000 on renovations and the building is being utilized. He is proposing to convert the existing top 2 floors of a 3 story building into 18 residential units for rent; 8 one-bedroom residential apartments and 10 two-bedroom residential apartments with commercial on the 1st

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floor. Mr. Taveras is proposing to create 7 new parking spaces onsite in a portion of the first floor with 3 parking spaces to be provided off-site.

Applicant agrees with Center State Engineering report dated June 7, 2016, and will provide a letter from the Jefferson Street parking lot regarding renting the parking spaces.

Public portion: none

Mr. Aviles made a motion to approve the application with the conditions set forth and the motion was so moved and seconded by Chairman Savoia. The motion was voted on and approved by the vote of 6.

NEW BUSINESS:

Mr. Aviles stated that Mr. Farber does not commit to the Board's meetings.

OLD BUSINESS: none

APPROVAL OF MINUTES: April 14, 2016

Mrs. Cruz made a motion to approve the minutes and the motion was so moved and seconded by Chairman Savoia. The motion was voted on and approved.

MEMORIALIZATIONS:

Docket No. 3026 Steven Rosenzweig

Resolution to approve Mr. Petit-Clair to provide the service in the litigation.

Mrs. Cruz made a motion to approve the memorialization and the motion was so moved and seconded by Mrs. Mascenik. The motion was voted on and approved.

ROLL CALL FOR UPCOMING MEETING: July 14, 2016, at 7:00 PM

ADJOURNMENT:

Chairman Savoia asked for a motion to adjourn the meeting. Vice Chairman Ray made a motion to adjourn the meeting and was seconded by Mrs. Cruz. Motion to adjourn the meeting of June 9, 2016, was so moved.

Meeting was adjourned at 9:35 P.M.

Respectfully submitted,



Iwona Cwiek
Recording Secretary