

**MINUTES
SPECIAL MEETING
CITY OF ELIZABETH ZONING BOARD OF ADJUSTMENT
THURSDAY, January 28, 2016**

MEETING OPENING

Chairman F. Fernandez, called the meeting to order at 7:30 p.m.

SUNSHINE ACT

Chairman F. Fernandez announced that the requirements of the Sunshine Act were met by submission of a notice to the Star Ledger, which was published on **Friday, January 16, 2015**. Chairman Fernandez, asked everyone to stand for the flag pledge; the Board stood and recited the Pledge of Allegiance.

ATTENDANCE

Present: Chairman F. Fernandez, Vice-chairwoman E. Cano, & Commissioners A. Goncalves, O. Galvez, G. Castro, Y. Eady-Perkins, M. Silva-Afonso, J. Nunes, R. Sosa, F. Horta, and Dr. J. K. Donahue. A. Gallerano, P.P., PE, Consultant City Planner, Marta Rivera, Secretary-Board Clerk, F. Wolff, C.S.R., S. Siegelbaum, Esq., Board Attorney.

Absent: none

NOMINATIONS

Secretary, Marta Rivera, called nominations for Chairman-2016-2017

On a motion by Commissioner Castro, Mr. A. Goncalves, was nominated **Chairman for the year 2016**, there were no other nominations, it was seconded by Commissioner Nunes, and the tally was 11-0. Nominations were closed by Commissioner Castro, and seconded by Commissioner Nunes, and Mr. Goncalves accepted, Congratulations!

On a motion by Commissioner Castro, Mrs. Elizabeth Cano, was nominated **Vice-Chairperson for the year 2016**. The motion was seconded by Commissioner Galves, there were no other nominations, the tally was 11-0. Mrs. Cano, and was elected Vice-Chairperson of the Board for the year 2016, Nominations were closed by Commissioners Eady-Perkins, and Silva, and Mrs. Cano Accepted, Congratulations!

On a motion by Commissioner Castro, Ms. Marta Rivera, was nominated **Secretary for the year 2016**. The motion was seconded by Vice-chairwoman Cano, there were no other nominations, nominations were closed by Commissioners Eady-Perkins, and Fernandez. The tally was 11-0. Ms. Rivera was elected Secretary of the Board for the year **2016-2017**, Congratulations.

By unanimous decision from the Board, **the Star Ledger, La Voz, and Luz Americano, were elected the official newspaper of the Board for the year 2016-2017**. Moved by Commissioner Castro, seconded by Commissioner Nunes, the tally was 7-0.

On a motion by Commissioner Nunes, **Mr. Fred Wolff, The official Certified Short Hand Reporter** position was tabled, for discussion, and additional information, to February 11, 2016, and it was seconded by Commissioner Castro unanimously by the Board.

Calendar of meeting dates for the year 2016-2017. A motion to approve the minutes was made by Commissioner Castro, and was seconded Commissioner Eady-Perkins, and the motion was carried unanimously seven to zero.

MINUTES

The minutes of **December 10, 2015, regular meeting**, were presented for action. A motion to approve the minutes was made by Commissioner Castro, and was seconded Commissioner Nunes, and the motion was carried unanimously six to zero, with Commissioner Silva-Afonso, and Eady-Perkins abstaining.

DEVELOPMENT REVIEW HEARINGS

Z-23-15, 39-31 South Reid Street, Andrei Tredov. ("c" & "d" variances, minor subdivision). Corey Klein, Esq., came forward for the application, and called Mr. Robert Wetzel, LS, 959 Jacques Avenue, Rahway, NJ, who duly sworn, he testified, was examined and excused. Anthony Gallerano, PP, PE, Consultant City Planner, was duly sworn, he testified, made comments, and was excused. Chairman A. Goncalves opened the floor for public comment, no one came forward, in favor nor against the application. A motion to **approve** the application was made by Commissioner Castro, and was seconded by Commissioner Silva, and the tally was seven, zero, and conditioned upon Planner's report, and all Department Recommendations.

Z-31-12, 495 Catherine Street, Steve Smith. A proposal to convert an existing three-family dwelling into a four-family dwelling, in an R-3 zone. (**conditional use variance, & preliminary & final site plan**) (L. Lavender, Esq.); **This application was remanded by Judges Reisner & Whipple, to the Zoning Board of Adjustment. The decision of July 1, 2014, has been appealed by the Board, it's decision to deny was reversed/remanded by order of the Honorable Judge Karen M. Cassidy, AJSC, and sustained by the above mentioned Judges. The Board may revisit their decision, and revote on it according to the complaint. (by Sheri k. Siegelbaum, Esq.) No vote was necessary-An explanation; and the conclusion that the applicant must re-apply to the Board for a new variance request.**

ADJOURNMENT

***A Request to Adjourn to the February 11, 2016 Regular meeting for: was granted, by the Board. Z-19-14, 704 Meadow Street, BR Tire Center, LLC. ("d" & "c" variances, minor subdivision preliminary site plan) (M. Sanchez, Esq.)**

OTHER BUSINESS

A contract for Professional Services to the Board, by Scarinci & Hollenbeck, Sheri K. Siegelbaum, for the firm, for the year "2016". For your review, and comments, and approval.

A contract for Professional Services to the Board, a "conflict attorney" by Marc Brown, Esq., for the firm, Wolkstein, Von Ellen & Brown for the year "2016". For your review, and comments, and approval. A motion to approve the contracts for both requests for the maximum time allowed (01/31/16-12/31/16), was made by Commissioner Castro, and was seconded by Commissioner Fernandez, and the tally was 7-0.

An appeal of a Zoning Officer's decision, (Maria Z. Carvalho), for: 307-320-324 Christine Street, and 648 Third Avenue, 640 Third Avenue, LLC, by letter of 12/09/15, by Joseph A. Paparo, Esq.; and the Board upholds the Zoning Officers decision. A motion to deny the request was made by Commissioner Nunes, and was seconded by Commissioner Fernandez, and the tally was 7-0.

OTHER BUSINESS

Z-18-12, 420-430 Third Avenue, the Elizabeth Conservancy. A request to extend the time to file for permits to begin construction, by letter dated December 22, 2015, from Mrs. Cynthia Coppa. We would like to request a two-year extension, for our preliminary approval Z-18-12, decided on August 23, 2012. A motion to approve the request for the maximum time allowed (12/31/15-12/31/16), was made by Commissioner Castro, and was seconded by Commissioner Silva, and the tally was 7-0.

Z-22-12, A request by letter dated December 23, 2015, from Carmine Liotta. Esq. for a one-year extensions of the variance granted on November 8, 2012. A motion to approve the request for the maximum time allowed, (12/31/15-12/31/16), was made by Commissioner Castro, and was seconded by Commissioner Silva, and the tally was 7-0.

RESOLUTIONS-Voted upon only by those Commissioners eligible to vote.

Z-13-05, 406 Westminster Avenue, 406 Westminster, LLC. On a motion by Commissioner Castro, and seconded by Commissioner Sosa, the wording of the resolution was memorialized, and the tally was 7-0, with Commissioners Fernandez, leaving the meeting at 9:00pm.

Z-13-15, 233-235 Rahway Avenue, Fernanda, LLC. On a motion by Commissioner Sosa, and seconded by Commissioner Castro, the wording of the resolution was memorialized, and the tally was 7-0.

Z-21-15, 435 Rahway Avenue, Rahway Gardens, LLC. On a motion by Commissioner Castro, and seconded by Commissioner Nunes, the wording of the resolution was memorialized, and the tally was 7-0.

ADJOURNMENT

On a motion by Commissioner Silva, and seconded by Commissioner Cano, the meeting was adjourned at 10:00 p.m., there was no other business.

GOOD NITE!!! ☺