

**ZONING BOARD OF ADJUSTMENT**  
**SPECIAL MEETING MINUTES**  
**JANUARY 19, 2016**

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A **SPECIAL MEETING** of the Zoning Board of Adjustment was held on Monday, January 19, 2016, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:09 p.m. and Secretary Egan called the roll. Present at the meeting were Chairman Urban and Commissioners, Adams, Egan, LeFante, Lombardi, Pellitteri, Rivera, Weicker, Kushnir and Dorans. Commissioner Ferrante was absent.

Also present were Robert Russo, P.E., Consulting City Engineer, Anthony Rodriguez, PP, Consulting City Planner, Richard N. Campisano, Esq., Board Counsel and Lillian Glazewski, Land Use Administrator.

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:**

No minutes were available for adoption

**Communications:**

None

**Public Hearing:**

**Z-15-018 BAYONNE MUSLIMS A NJ NONPROFIT CORP. – 109 East 24<sup>th</sup> Street; Block 443, Lot 5.01** *[The applicant is seeking preliminary and major site plan approval conditional use and bulk variance relief to construct a Muslim Community Center at the site.]*

William J. Finnerty, Esq., attorney for the applicant gave a brief opening statement, moved his exhibits into evidence and called his first witness.

**Witness:**

Waheed Akbar, Secretary of the corporation was sworn to provide factual testimony in support of the application. Mr. Akbar said that the Bayonne Muslims is a non-profit corporation that was formed in 2009. He said that this property was purchased with the intention of using it as a gathering place to pray and learn respect, love and tolerance. Mr. Akbar further stated that they are looking to expand some of their programs and provide the community with services of social support. He said that they have outgrown their current space that they rent on Avenue C. The organization plans to offer religious, social, emotional and behavioral services to the community that will serve as an outlet for counseling and mentorship. They encourage an interfaith dialogue.

In furtherance, Mr. Akbar testified that the property was purchased in 2015. The organization chose this site because it is centrally located and it offers a lot of parking. Mr. Akbar testified that there are prayer services seven days a week three times a day and approximately 15 to 30 people attend. At the 12:30 pm prayer service they may have only two to three people. Four to five people attend the afternoon prayer service with the majority of congregants attending the sunset prayer service. The sunset prayer service at 7:30 p.m. is the last service of the day and fifteen to twenty-five people may attend. A bimonthly family night is held from 5:30 p.m. to 8:00 p. m. There are afterschool religious instructions two to three times a week with approximately 20-30 children who are picked up and dropped off. On Saturday morning 50 – 60 children attend. There is a Friday noon prayer service that is extended because of a sermon and that generates approximately 125-145 people. During Ramadan night prayer is extended for approximately two hours with an attendance of approximately 75 people. A festival is held after Ramadan at 16<sup>th</sup> Street Park. Ramadan falls on the ninth month of the lunar calendar

and each year falls on a different date. This year Ramadan runs from June to July 6<sup>th</sup>. Mr. Akbar also discussed where most activities will take place in the building.

**Board questions:**

Chairman Urban, Commissioners Adams, Lombardi and Egan questioned Mr. Akbar.

**Audience questions:**

Residents Mary Curtis, Jacqueline Weiner, Edward Gomez, Narciso Castillo, Joseph Basil, Antionette Rooney, John White, Peter Franco, Jody Marki, Edward Gilligan, Gary Grant, Melanie Flora, Joe Wisniewski, David Crzewicki, Randy Barrier, Jacqueline Forrest, Shayan Farooqi, Kathy Smith, Mike Scarpa. Tom Timoldi questioned Mr. Akbar about their concerns.

A short break was taken at 7:47 p.m. and the meeting resumed at 8:02 p.m. Secretary Egan called the roll.

**Continued questioning of Akbar**

Residents Antionette Rooney, Kieran White and Michael Smith questioned Mr. Abar regarding their concerns.

**Witness:**

Jose Santos, architect and principal of Architake Group was sworn to provide expert testimony on behalf of the application. Mr. Santos offered information regarding his educational background and experience and was accepted by the Board as an expert witness. Mr. Santos said that he was retained by the applicant to prepare the architectural plan. He proceeded to describe the plan and noted that no additional footprint to the building is proposed. He further described the exterior elevations and addressed the comments offered by the City Planner and City Engineer.

**Board questions:**

Commissioners Adams and Egan questioned Mr. Santos as did City Planner Anthony Rodriguez and City Engineer Robert Russo.

**Audience questions:**

Residents Melanie Flora, Kathy Smith and Mailie Elganbaihy questioned Mr. Santos.

**Witness:**

Paul Anderson, P.E., site engineer was sworn and recognized as an expert witness. Mr. Anderson testified that he was retained by the applicant to prepare the site plan, engineering plans and renderings for this project. Mr. Anderson described site conditions and surrounding area. He also described the site plan and access to the site. He said that the applicant intends to repave the entire parking lot with asphalt and replace the sidewalk in front of property. Lighting will be added that will be focused into the property so as not to disturb the neighbors, and one light will be pointed out of the property. The applicant plans to improve the drainage as well tying into onsite sewers. In addition, planter areas are proposed with shade trees. Mr. Anderson testified that this is an adaptive reuse of an existing industrial building. He said that fencing is proposed around the site. Mr. Anderson also described how trash and recyclable would be removed. He said that he reviewed the comments offered by the City Planner and City Engineer and he addressed the comments set forth in their reports. Mr. Anderson added that there is a possibility that during the holidays the applicant is considering having valet parking.

**Board questions:**

Chairman Urban and Commissioners Egan and Lombardi questioned Mr. Anderson.

**Audience questions**

Residents Joe Wisniewski, Joseph Basil, Antionette Rooney, Gary Grant, Melanie Flora, Robert Dodd, Jody Marki, Michael Smith, Mike Scarpa, Dina Sayedahmed, Jessica Abdelnabi and Tom Timoldi questioned Mr. Anderson.

In light of the late hour, Chairman Urban called for a motion to adjourn the meeting and carry the application to a special meeting on Monday, March 14, 2016. Commissioner Adams made the motion to carry to March 14, 2016 and Commissioner Egan seconded the motion. A unanimous vote followed.

**Adoption of Resolutions:**

• **Z-15-024 – JC REHAB, LLC – Site: 78 East 29<sup>th</sup> Street in City Block 423, Lot 16.**

- Commissioner Adams made a motion to adopt the resolution and Commissioner Lombardi seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 9:30 p.m.

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

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