

ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
MARCH 6, 2017

A **SPECIAL MEETING** of the Zoning Board of Adjustment was held on Monday, March 6, 2017, at the Bayonne High School Auditorium, Avenue A, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:04 p.m. Present at the meeting were Chairman Urban, Commissioners, Adams, Egan, Ferrante, LeFante, Lombari, Pellitteri, DiLullo and Dorans. Commissioners Pineiro and O'Brien were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Lillian Glazewski, Land Use Administrator, Robert Russo, PE, consulting City Engineer and Anthony Rodriguez, PP, consulting City Planner.

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

Public Hearing:

Z-15-018 BAYONNE MUSLIMS A NJ NONPROFIT CORP. – Site: 109 East 24th Street in City Block 443, Lot 5.01 *[The applicant is seeking preliminary and final major site plan approval, conditional use and bulk variance relief to allow a Muslim Community Center at the site.]*

Ronald Shaljian, Esq., attorney for the applicant appearing. Mr. Shaljian said that the applicant has taken into consideration the issues raised by the Board and the public during previous meetings and pointed out that the applicant has made extensive revisions to address

those issues. Mr. Shaljian offered the additional exhibits into evidence and called his first witness.

Witness:

John McDonough, PP was sworn to provide expert planning testimony in support of the application. Mr. McDonough discussed the adaptive reuse of the property. He said that there would only be between 135 – 137 attendees at the facility at any time. Mr. McDonough addressed the positive and negative criteria and said that it is his professional opinion that this application is inherently beneficial and would not have a negative effect to the zone plan or surrounding area.

Board questions:

Chairman Urban and Commissioner Egan questioned Mr. McDonough.

Audience questions:

Residents, Melanie, Flora, Mary Curtis, Charles Beard, Joe Wisniewski, Mike Smith, Kathy Smith, Rosemarie Bond, Nahed Abdelwahab, Donna Schwichenberg, Sarah Flounder, Pete Cresci, Sara Neukirchner, Mohammad Chaudry, Ramy Adbelmalak, Mary Losardo, Robert Dodd, Hector Costello, David Franco, John Wilkins, Dina Sayedahmed, Joseph Ahumada, Jessa Morgan, Hossein Abeghabekzadeh and Peter Franco questioned Mr. McDonough.

A short break was taken at 7:41p.m. The meeting resumed at 7:56 p.m. and the roll was called.

Audience questions of Mr. McDonough continued:

Residents Matthew Bender, Sidy Diawara, John White, Anthony Dilorio and Andrzej Drzewiecki questioned Mr. McDonough.

Mr. Shaljian indicated that this concluded the applicant's case.

Chairman Urban opened the meeting up to the residents for public comments. The following residents commented both for and against the application:

Residents, Soraya Amin, Melanie Flora, Rosemarie Bond, Andrzej Drzewiecki, Robert Dodd, Kathy Smith, Michael Scarpa, Joe Wisniewski, Michael Smith, Mary Curtis, Isaiah Otero, Jana Almas, Peter Cresci, Zain Bhatti, Richard Doolan.

A short break was taken at 9:28 p.m. The meeting resumed at 9:42 p.m. and the roll was called.

Residents continuing to comment on the application were Melody Carlisle, Michael Chen, Yaser Eisa, Sumer Elganbaihy, Emily Losardo, Dina Sayedahmad, John White, Milad Nakhla, Islam Osmay, Michael O'Connor, Hossein Aghabeikzadeh, Sara Mehiri, Fahima Andersen, Ali Hassan, Jody Markey, Hussein Eid, Andrew Tadros, Jessica Berrocalabdel, Berrocal Abednabdi, Lea Elrahed.

A short break was taken at 10:44 p.m. and the meeting resumed at 10:54 p.m. The roll was called.

Residents continuing to comment on the application were Omar Abouelkhair, Riham Elshazli, Rob Deselich, Sean Jaryno, Hani Hamiszontitubi.

Closing Remarks:

Ronald Shaljian, Esq., said that the applicant has provided sufficient testimony to support an approval of this application and he respectfully requested the Board approve same.

Caucus:

Chairman Urban said that when voting on this application, the only thing that the Board should consider are the zoning issues. He said that the area in question is undergoing enormous change with large number of residential units approved to be built in the near future. He opined that there is not enough parking in the area to accommodate the proposed Muslim Center and he cannot agree to approve this application.

Commissioner Adams said that the applicant has attempted to mitigate the impact to the area and he feels the applicant has met its burden of proof for an approval.

Commissioner Ferrante said that it is the Board's job to listen to the testimony of the applicant's experts and weigh the positive and negative criteria in order to make a decision. He said that this is a residential community and this project is just too much for this small community. Mr. Ferrante said that he cannot support the application.

Commissioner Dorans (*alternate and not eligible to vote*) commented that he has safety concerns with this application.

Commissioner DiLullo (*alternate and not eligible to vote*) commented that this application would be beneficial to the City.

Commissioner Lombardi commented that he does not feel that the positive criteria has been and approval of this application would have a negative impact on the neighborhood.

Commissioner LeFante commented that parking is a problem, but parking is a problem everywhere in the City. He is in favor of the application

Commissioners Egan and Pellitteri said that they were in support of the application and will vote in favor.

Commissioner Adams made a motion to approve the application and Commissioner LeFante seconded the motion. The following was the official vote:

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| • Chairman Urban | Nay |
| • Commissioner Lombardi | Nay |
| • Commissioner Ferrante | Nay |
| • Commissioner Adams | Aye |
| • Commissioner LeFante | Aye |
| • Commissioner Egan | Aye |
| • Commissioner Pellitteri | Aye |

The application having received only four “aye” votes was denied.

A motion was made to close the meeting at 11:00 p.m.

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

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