



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
OCTOBER 18, 2021**

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, October 18, 2021, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Vice-chairman Adams called the meeting to order at 6:04 p.m. Secretary Lombari called the roll. Present at the meeting were Vice-chairman Adams, Secretary Lombari, Commissioners Pineiro, Sisk-Galvin and Blake. Commissioners DiLullo, DeRos and Gamal were not present.

Also present were Richard Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer, Malvika Apte, PP, consulting City Planner, Suzanne Mack, PP and Alicia Losonczy, Zoning Board of Adjustment Administrator.

After the Pledge of Allegiance to the Flag, Vice-chairman Adams declared a quorum and advised that the Board had complied with the Open Public Meetings Act/Sunshine Law.

Adoption of Minutes:

Vice-chairman Adams called for the adoption of the minutes from the September 20, 2021 regular meeting.

Commissioner Lombari made the motion to adopt the minutes and Commissioner Sisk-Galvin seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Letter from Michael Miceli, Esq., attorney for application Z-21-008 FLY JET SKI, LLC at 50 Marina Drive; Block 47, Lot 8 requesting the matter be carried to the next regular meeting on November 15, 2021, allowing the applicant time to retain a new attorney

Public Comment was given by John Edwards, Esq., attorney representing the marina owner. Mr. Edwards advised the Board that his client also received a determination from the Zoning Office denying the use of the marina for a Jet Ski business and will appeal as well. He will coordinate with the Jet Ski operators to bring their appeals to the Board together.

- Commissioner Blake made the motion to carry the matter to next month's regular meeting scheduled for November 15, 2021 and Commissioner Pineiro seconded the motion. A unanimous vote followed.
- Letter from Jennifer Paul Weeks, Esq., attorney for application Z-20-013 RAAFAT IKLADOUS at 53-55 Broadway in City Block 369, Lot 24 requesting the matter be carried to the next regular meeting on November 15, 2021 with no further notice on the part of the applicant and tolling the running of the automatic approval
 - Commissioner Pineiro made the motion to carry the matter to next month's regular meeting scheduled for November 15, 2021 and Commissioner Blake seconded the motion. A unanimous vote followed.

Public Hearing #1:

Z-21-010 – 112 KENNEDY BOULEVARD – Site: 112 Kennedy Boulevard in City Block 335, Lot 16 *[The applicant is seeking an appeal to the Zoning Officer's determination letter dated August 13, 2021 to continue the current use of the property; a ground floor commercial use with two residential units above along with a detached building in the rear of the property containing one residential unit.]*

John Zucker, Esq., attorney for the applicant, gave a brief summary of why the applicant is seeking an appeal to the Zoning Officer's decision. Mr. Zucker advised that the previous Zoning Officers did not advise his client that a change of use application would be required

before the Zoning Board of Adjustment. Mr. Zucker introduced his exhibits and discussed the current use of the property. He stated that Mr. Burakovsky went to the Building Department and Zoning Officer at the time and filled out all the proper forms.

**A short break was taken at 6:22 to allow Mr. Zucker time to coordinate his exhibits file. Secretary Lombardi took a roll call and the meeting reconvened at 6:27 pm.*

Mr. Zucker relied on the Certificate of Occupancy (exhibits A-8) from the Building Department stating that the City would only provide this if there was a change of use.

Witness:

Mitchell Burakovsky was sworn to provide his testimony in relation to this matter. He advised that he came to the City, filled out the proper permit forms and thought the matter was taken care of. Mr. Burakovsky testified that he removed the stove and gas line from the illegal apartment behind the store and paid Passaic Valley Sewerage Commission for the difference of converting the commercial use to residential in the rear building.

Audience questions:

There were no questions from the audience.

Closing remarks:

Mr. Zucker said that he feels the Zoning Officer's report was complete and straightforward but her proposed resolution of going before the Zoning Board of Adjustment does not consider fairness as a result considering an error made by the previous Administrator. Mr. Zucker asked the Board to consider his request to appeal the decision.

Caucus:

Vice-chairman Adams said the essence of this case leads to the Zoning Officer's decision and in the nature of her decision, she is not wrong in her analysis. He further stated that the ambiguities are such that the Zoning Officer's decision stands. All commissioners concurred with Vice-chairman Adams.

Motion:

Commissioner Sisk-Galvin 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>
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]	[]	[]	[]	[]

On motion by Vice-Chairman Adams, seconded by Commissioner Pineiro, the Board unanimously voted to close the meeting. Meeting adjourned at 6:41 pm.

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

/akl