



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
DECEMBER 20, 2021**

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, December 20, 2021, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Vice-chairman Adams called the meeting to order at 6:07 p.m. Secretary Lombardi called the roll. Present at the meeting were Vice-chairman Adams, Secretary Lombardi, Commissioners Pineiro, Dilullo, DeRos, Gamal and McCourt. Commissioners Sisk-Galvin, Blake and Fares were not present.

Also present were Richard Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer and Malvika Apte, PP, consulting City Planner.

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 November 15, 2021 regular meeting.

Commissioner Dilullo made the motion to adopt the minutes and Commissioner Pineiro seconded the motion. A unanimous vote of eligible members followed.

Board Reorganization

• **Election of officers (nominated and unanimously voted in):**

- Clifford Adams - Chairman

Commissioner DeRos made the motion for this nomination and Commissioner Lombari seconded the motion.

- Nicholas DiLullo - Vice-Chairman

Commissioner Lombari made the motion for this nomination and Commissioner DeRos seconded the motion.

- Louis Lombari - Secretary

Commissioner Dilullo made the motion for this nomination and Commissioner Pineiro seconded the motion.

• **Appointment of Support Personnel**

- Richard N. Campisano, Esq., Board Attorney
- Suzanne Mack, P.P., City Planner
- Robert Russo, P.E. Consulting City Engineer
- Malvika Apte, P.P., Consulting City Planner
- Alicia Losonczy, Board Administrator
- Susan Bischoff, Certified Shorthand Reporter
- Andy Raichle, Special Projects Engineer

Commissioner Dilullo made the motion for this appointment and Commissioner DeRos seconded the motion.

• **Adoption of 2022 Calendar**

The following dates for the regular meetings to be held in 2022 were read by Commissioner Lombari and unanimously adopted:

January 24, 2022 (Alternate date)
February 28, 2022 (Alternate date)
March 21, 2022
April 18, 2022
May 16, 2022
June 20, 2022
July 18, 2022
August 15, 2022
September 19, 2022
October 17, 2022
November 21, 2022
December 19, 2022

Commissioner Dilullo made the motion to adopt the 2022 calendar of meeting dates and Commissioner DeRos seconded the motion.

Item VIII - Public Hearing:

Z-21-008 – FLY JET SKI, LLC – Site: 50 Marina Drive in City Block 47, Lot 8

[The applicant is requesting an appeal of the Zoning Officer's Determination and an Interpretation of the Zoning Ordinance as they were denied use of the Marina at Boatworks for a Jet-Ski Rental Business.]

Z-21-015 – ELCO FISHERMAN'S MARINA, LLC – Site: 50 Marina Drive in City Block 47, Lot 8 *[The applicant is requesting an appeal of the Zoning Officer's Determination and an Interpretation of the Zoning Ordinance as they were denied use of the Marina at Boatworks for a Jet-Ski Rental Business.]*

Edward Purcell, Esq. introduced himself as the main presenter for Elco Fisherman's Marina, LLC and Richard L. Schneider, Esq., attorney for the Fly Jet Ski, LLC gave an overview of the joint hearing requesting an interpretation/appeal to the decision of the Zoning Officer. Mr. Purcell said that their position is the jet-ski business is a permitted use at the site since there was a 2002 Planning Board resolution of approval which recognizes the marina. Mr. Schneider made comment in his opening remarks that his client consented to the consolidation of merging the applications in order to hear both applications at the same time for this recreational amenity.

Witness:

Stephen Vita was sworn to provide expert testimony in support of the application. Mr. Vita provided his personal background and experience and explained that he is the manager of the marina presently. Mr. Vita explained the use, operation and hours of the marina since he has been operating it in May of 2021. Mr. Vita explained how the Marina rents to recreational

boaters, one recreational Jet-Skier, transient boaters, fishing tours and other boat slip renters. Mr. Vita gave his opinion that a commercial Jet-ski rental business is the same as renting to the others they are renting to. He advised that this is the first season that Fly Jet Ski, LLC has been leasing the marina and there are 41 parking spaces allowed for the marina.

Board questions:

Chairman Adams, Commissioners Dilullo, DeRos, Pineiro, Lombardi and Gamal questioned Mr. Vita.

Audience questions:

Donald Onorato, Esq., introduced himself as the attorney representing the Condo Association.

Witness:

Ahmed Youmes, President of Fly Jet Ski, LLC, was sworn to provide expert testimony in support of the application. Mr. Purcell introduced an additional exhibit Advertisement for The Edge Apartment Building (Exhibit A-16) and Mr. Youmes explained that he has seen hundreds of Jet-Ski's in the area. He was a manager for a Jet-ski rental operation in Brooklyn for two years before opening his own business here after moving to Bayonne. He explained that his company is separate from the marina operator, Mr. Vita, but someone from his company is always on-site at the marina. Mr. Youmes explained that he has fourteen Jet-Ski's, six tour guides and each tour is accompanied by a tour guide. With the approval of the Coast Guard, they take the tours to open-end water approximately three by five miles in the Newark Bay, offering three different packages to their customers.

Board questions:

Chairman Adams, Commissioners Gamal, Lombardi, DeRos and Dilullo questioned Mr. Youmes.

Audience questions:

Donald Onorato, Esq., questioned Mr. Youmes if the other two marinas are part of a home-owner's association. Eugene Horn questioned Mr. Youmes.

Witness:

Elizabeth McManus, PP, was recognized as an expert in her field by the Board and before she could begin testifying, Chairman Adams requested more time to review the new exhibits presented.

Audience questions:

Donald Onorato, Esq., questioned Mr. Youmes if the other two marinas are part of a home-owner's association.

Mr. Purcell then asked the Board to accept six new exhibits; some of which were very lengthy. It was discussed to carry the matter to the January 24, 2022 meeting in order to provide the Commissioners time to review the new exhibits presented.

Motion:

Commissioner DeRos made a motion to carry the matter to the January 24, 2022 meeting. Commissioner Gamal seconded the motion and a unanimous vote followed.

Item VI - Public Hearing:

Z-20-013 – RAAFAT IKLADOUS – Site: 53-55 Broadway in City Block 369, Lot 24

[The applicant is seeking preliminary and final major site plan approval as well as use and bulk variance relief in order to allow the construction of a two-story addition at this site.]

Paul Weeks, Esq., attorney for the applicant, gave an overview of the application, offered his exhibits into evidence and called his first witness.

**Commissioner Gamal recused himself from this application due to a conflict of interest.*

Witness:

Steven Kawalek, Architect was sworn to provide expert testimony in support of the application. Mr. Sambade testified that the subject property is on an oversized flag lot. The applicant received approval in 2018 since this was an attached dwelling. The applicant seeks use and bulk variance relief to combine the attached structures. Mr. Kawalek described the proposal in its entirety.

Board questions:

Chairman Adams, Commissioners Dilullo, DeRos and Ms. Apte questioned Mr. Kawalek.

Audience questions:

There were no questions from the audience.

Closing remarks:

Mr. Weeks, Esq., said that he would rely on the testimony given and respectfully requested the Board approve this application.

Caucus:

Chairman Adams said that he felt the application is an interesting improvement to a particular pre-existing structure. He felt the applicant has met their burden in order to approve this application. Vice-chairman Dilullo said that he is not in favor of this application to compound an existing non-conforming use. Commissioners Lombardi, DeRos, Pineiro and McCourt agreed with Commissioner Dilullo.

Motion:

Commissioner Dilullo made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro seconded the motion and a unanimous vote followed.

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]
Mahmoud Fares	[]	[]	[]	[]	[X]
Joseph McCourt	[]	[X]	[]	[]	[]

**A short break was taken at 7:32. Secretary Lombardi took a roll call and the meeting reconvened at 7:44 pm.*

Item VII - Public Hearing:

Z-21-009 – REMINO BAYONNE, LLC – Site: 120-122 West 33rd Street in City Block 143, Lot 28 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief for the construction of a four-story multi-residential building consisting of 9 residential units and 9 on-site parking spaces.]*

Christopher Vitale, Esq., advised that he is filling in this evening for the applicant's attorney, William J. Finnerty, Esq. and proceeded to give an overview of the application, offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, Professional Planner, was sworn to provide expert testimony in support of the application. Mr. Sambade provided an overview of this project as well as the surrounding

areas. He testified that the property has been vacant since the late 1990's and located in the R-2 Residential zone. Mr. Sambade described the proposed project to be a four-story eight-unit building with associated parking and a refuse room. He explained the overall design, color and materials that will be used for this building. Mr. Sambade mentioned that the unit mix would be four two-bedroom and four one-bedroom units. Utilities, lighting, plantings, concrete-stamping, pervious coverage and access was also described. Mr. Sambade said the positive criteria greatly outweighs any negative impact on the neighborhood.

Board questions:

Chairman Adams, Commissioners Dilullo, Pineiro, DeRos, Gamal, Lombardi and Mr. Russo questioned Mr. Sambade.

Audience questions:

Eugene Horn, 825 Kennedy Boulevard, questioned Mr. Sambade. James McCusker, 124 West 33rd Street, represented himself, his wife and the Condominium Association located next door. Yemi Adigun, 831 Kennedy Boulevard, questioned Mr. Sambade. Nick Totino, 133 West 33rd Street, questioned Mr. Sambade. Dr. Dominic Ianora, 837 Kennedy Boulevard, questioned Mr. Sambade.

Comments:

Kathleen McCusker, 124 West 33rd Street, made comment against the proposal. Dr. Dominic Ianora, 837 Kennedy Boulevard, made comment against the proposal.

Closing remarks:

Mr. Vitale said that he would rely on the testimony given and respectfully requested the Board approve this application which is an effective use of this property that been vacant for over twenty years.

Caucus:

Chairman Adams said that he felt the applicant has done a terrific job with the stormwater management of this project and is aware of the modifications that were made as a result of recommendations from City Officials at the TRC – Technical Review Committee meeting. He advised that he will be voting in favor of the application. Commissioner Dilullo agreed with Chairman Adams. Commissioner Lombardi, Pineiro, DeRos, Gamal and McCourt appreciated the design but felt the size of the building would be detrimental to the neighborhood.

Motion:

Commissioner Dilullo made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro seconded the motion and a unanimous vote followed.

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]
Mahmoud Fares	[]	[]	[]	[]	[X]
Joseph McCourt	[]	[X]	[]	[]	[]

**A short break was taken at 9:08. Secretary Lombardi took a roll call and the meeting reconvened at 9:15 pm.*

Item X - Public Hearing:

Z-21-005 – SHWETA NATASHA SHARMA – Site: 14 West 49th Street in City Block 64, Lot 32 *[The applicant seeks bulk variance relief in order to construct a new two-family, three-story residence with attached garage.]*

Michael Bonner, Esq., attorney for the applicant gave an overview of the application, offered his exhibits into evidence and called his first witness.

Witness:

Alex Soffianti was sworn to provide expert testimony in support of the application. Mr. Soffianti testified that it is an odd-shaped pre-existing non-conformity and explained that the applicant is proposing a two-family duplex, consisting of a total of five bedrooms.

Board questions:

Chairman Adams questioned Mr. Soffianti.

Audience questions:

Dorothy Ballweg, 14 West Grand Street, Thomas Solari, 8 West Grand Street and Thomas Ballweg, 14 West Grand Street, questioned Mr. Soffianti.

Witness:

Anthony Marucci, PP, was sworn to provide expert testimony in support of the application. Mr. Marucci testified that the undersized lot is an irregular pie-shape and testified that the proposed project would be constructed over the existing foundation. He discussed the multiple variances being requested for the design and the benefits substantially outweigh the benefits.

Board questions:

Ms. Apte questioned Mr. Marucci.

Audience questions:

Thomas Solari, 8 West Grand Street, questioned Mr. Marucci.

Final Comments:

Thomas Solari, 8 West Grand Street, made comment in opposition of this project. Dorothy Ballweg, 14 West Grand Street, made comment in opposition to this application.

Closing remarks:

Mr. Bonner said that he would rely on the testimony given and respectfully requested the Board approve this application.

Closed Caucus:

Chairman Adams said that he felt this project is visually suited for the neighborhood and will be voting in favor of this application. His fellow Commissioners concurred.

Motion:

Commissioner DeRos made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Dilullo seconded the motion and a unanimous vote followed.

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]
Mahmoud Fares	[]	[]	[]	[]	[X]
Joseph McCourt	[X]	[]	[]	[]	[]

The meeting adjourned at 10: 28 pm.

Beth Calderone, Certified Shorthand Reporter, took a transcript of the meeting and may be contacted at Calderone2000@aol.com; 75 Ottawa Avenue, Hasbrouck Heights, NJ 07604.

/akl