



**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING MINUTES**  
**AUGUST 15, 2022**

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A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, August 15, 2022, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:10 p.m. and led all in the Pledge of Allegiance to the Flag. Chairman Adams declared a quorum and advised that the Board has complied with the Open Public Meetings Act/Sunshine Law.

Secretary Lombardi called the roll. Present at the meeting were Chairman Adams, Vice-Chairman DiLullo, Secretary Lombardi, Commissioners Pineiro, DeRos, Sisk-Galvin and Contey. Commissioners Fares and McCourt were not present.

Also present were Richard Campisano, Esq., Board Counsel, Darren Mazzei, PE, City Engineer, Suzanne Mack, PP, City Planner, and Alicia Losonczy, Zoning Board of Adjustment Administrator.

**Adoption of Minutes:**

Chairman Adams called for the adoption of the minutes from the July 18, 2022 regular meeting.

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

**Communication:**

- Letter from Paul Weeks, Esq. dated August 15, 2022 requesting the matter for Application Z-22-005 – RAMY ESHAK – Site: 76 Humphrey Avenue; Block 350, Lot 5 be carried to the September 19, 2022 regular meeting with no further notice on the part of the applicant
  - Commissioner DiLullo made the motion to carry the matter to the September 19, 2022 meeting without any further notice required on the part of the applicant. Commissioner Pineiro seconded the motion. A unanimous vote of eligible Commissioners followed.

**Item VI:**

**Z-22-004 – DOMINGO MONEGRO – Site: 167 Prospect Avenue; Block 429, Lot 28**

*[The applicant is seeking bulk variance relief to allow the construction of a new carport.]*

Andrew Tadros, Esq., explained that he is the attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits.

**Witness:**

Donald Chin, Architect licensed in the state of New Jersey was recognized as an expert by the Board and sworn in as an expert witness. He described the site and testified in regard to the proposed construction of a new carport. Mr. Chin described the proposed changes he made to the drawings, raising the slab of the porch, thereby providing more clearance. He testified that the applicant would use artificial turf covering the soil and would only have sixty percent coverage; the existing coverage is currently fifty-five percent.

**Board Questions:**

Chairman Adams, Commissioners Pineiro and DiLullo questioned Mr. Chin. Mr. Mazzei questioned Mr. Chin.

**Audience questions:**

There were no questions from the audience.

**Statements from the Audience:**

There were no statements from the audience.

**Closing Statement from Attorney:**

Mr. Tadros requested the Board vote favorably upon this application.

**Caucus:**

Chairman Adams stated he is not in favor of the application. Commissioner DiLullo has his reservations about this application since the vehicle will stick out into the right-of-way and will not be in favor of this application. Commissioner Lombardi feels that it would create a negative impact on the community and be a safety issue. Commissioner DeRos sympathizes with the applicant and would be in favor of the application. Commissioner Contey will not be in favor of the application unless the porch is removed. Commissioner Pineiro recommended if the wall of the house could be moved in so the vehicle would not encroach into the right-of-way and would not be in favor of the application. Commissioner Contey agreed not to be in favor of this application.

**Motion:**

Commissioner DiLullo made a motion to approve the application subject to any and all conditions spread across the record. Commissioner DeRos 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]        | [ ]            | [ ]           | [ ]           |
| Nicholas DiLullo     | [ ]        | [X]        | [ ]            | [ ]           | [ ]           |
| Louis Lombardi       | [ ]        | [X]        | [ ]            | [ ]           | [ ]           |
| Joseph Pineiro       | [ ]        | [X]        | [ ]            | [ ]           | [ ]           |
| Arrigo DeRos, Jr.    | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Cindi Sisk-Galvin    | [ ]        | [X]        | [ ]            | [ ]           | [ ]           |
| Susan Contey         | [ ]        | [X]        | [ ]            | [ ]           | [ ]           |
| Mahmoud Fares        | [ ]        | [ ]        | [ ]            | [ ]           | [X]           |
| Joseph McCourt       | [ ]        | [ ]        | [ ]            | [ ]           | [X]           |

**Item VIII:**

**Z-22-006 – MICHAEL ATTAALA – Site: 6 Isabella Avenue; Block 324, Lot 10** *[The applicant is seeking a variance to construct a six-foot fence on a corner property.]*

Paul Weeks, Esq., attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits.

**Witness #1:**

Steve Kawalek, Architect licensed in the state of New Jersey was recognized as an expert by the Board and sworn in as an expert witness. He described the site on the corner property as being a large corner triangular property. He testified there are children who play in the park in the rear of the property and the reason why the applicant is requesting the variance for the fence height is for this security purpose. Mr. Kawalek testified that many other residences in the area have a six foot high fence and that this would not be detrimental to the neighborhood.

**Board Questions:**

Chairman Adams, Commissioners DeRos and DiLullo questioned Mr. Kawalek.

**Audience questions:**

Coline Brown, of 115 Evergreen Street, questioned Mr. Kawalek.

**Witness #2:**

Michael Attaala, Owner of the property, was sworn in to provide testimony. He testified that once in a while there were a couple of kids who jumped from the park into his backyard.

**Board Questions:**

Chairman Adams, Commissioner DiLullo, questioned Mr. Attaala.

**Audience questions:**

Ms. Coline Brown questioned Mr. Attaala.

**Statements from the Audience:**

Ms. Coline Brown made statement that she hopes the Board votes against this application. She explained that she was denied her six-foot fence and for fairness, Mr. Attaala's application was not approved.

**Closing Statement from Attorney:**

Mr. Weeks requested the Board vote favorably upon this application.

**Closed Caucus:**

Chairman Adams stated that this property is very unique and would be voting in favor of this application with the condition suggested by the Engineer be adhered to. Vice-chairman DiLullo feels that a six-foot fence at half the property and a three-foot fence at the other half would suffice and would not be voting in favor of this application. Commissioner Lombardi agreed with Vice-chairman DiLullo. Commissioner DeRos, Contey, Sisk-Galvin and Pineiro agreed with Chairman Adams.

**Motion:**

Commissioner DiLullo made a motion to approve the application subject to any and all conditions spread across the record including the caddy-corner position to free up some of the sight triangle. Commissioner Lombardi 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]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Nicholas DiLullo     | [ ]        | [X]        | [ ]            | [ ]           | [ ]           |
| Louis Lombardi       | [ ]        | [X]        | [ ]            | [ ]           | [ ]           |
| Joseph Pineiro       | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Arrigo DeRos, Jr.    | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Cindi Sisk-Galvin    | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Susan Contey         | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Mahmoud Fares        | [ ]        | [ ]        | [ ]            | [ ]           | [X]           |
| Joseph McCourt       | [ ]        | [ ]        | [ ]            | [ ]           | [X]           |

***\*\*A short break was taken at 7:26 pm. The meeting reconvened at 7:34 pm and Secretary Lombardi took a roll call.***

**Item IX:**

**Z-22-002 – 321 BROADWAY BAYONNE, LLC – Site: 321 Broadway; Block 252, Lot 19** *[The applicant seeks a use variance in order to construct a horizontal and vertical addition to the existing two-story building making it three-stories with one storefront commercial unit on the first floor, one ADA-accessible residential unit behind the commercial space, two residential units on the second floor, and two residential units on the third floor.]*

Peter Cecinini, Esq., attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits.

**Witness #1:**

Steven Kawalek, an Architect who is licensed in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. He testified to the site and the plan the applicant proposed for this property. There is no parking on this site currently, however, it is in close proximity to the Hudson-Bergen Light Rail for transportation. Mr. Kawalek said the property is located in the ORS-Office Retail Space District and is a two-story mixed use building with an office space on the ground floor and one apartment above. It also has a full unfinished basement that has the mechanicals in it. He testified that the project will create four residential units and one retail unit. Mr. Kawalek testified to the façade of the building and said that no signage is proposed. Variances are being requested for use variance for a residential unit at the ground floor, lot coverage, parking and pervious coverage. He testified that a dry well will be created to help mitigate stormwater.

**Board Questions:**

Chairman Adams felt the application material presented to the Board was extensive and complete. Vice-Chairman DiLullo, Commissioner DeRos and Pineiro along with Mr. Mazzei questioned Mr. Kawalek.

**Audience questions:**

There were no questions from the audience.

**Witness #2:**

Dr. Johnathan Michael, owner of the property, was sworn in to provide testimony. He testified that he is proposing a property management company or a superintendent for the trash removal. Dr. Michael discussed that the security gate would lock.

**Board Questions:**

Mr. Mazzei, Commissioners Contey and Lombardi questioned Dr. Michael.

**Audience questions:**

There were no questions from the audience.

**Statements from the Audience:**

There were no statements from the audience.

**Closing Statement from Attorney:**

Mr. Cecinini requested the Board vote favorably upon this application.

**Caucus:**

Chairman Adams stated that the ADA compliant residential unit on the ground floor is a benefit for the City, that there is no way to create any parking on Broadway at this location at all and since the applicant is very accommodating to the needs of the Board, he will be voting in

favor of this application. All Commissioners concurred with Chairman Adams that this is a good application.

**Motion:**

Commissioner DiLullo made a motion to approve the application subject to any and all conditions spread across the record. Commissioner DeRos 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]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Nicholas DiLullo     | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Louis Lombardi       | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Joseph Pineiro       | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Arrigo DeRos, Jr.    | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Cindi Sisk-Galvin    | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Susan Contey         | [X]        | [ ]        | [ ]            | [ ]           | [ ]           |
| Mahmoud Fares        | [ ]        | [ ]        | [ ]            | [ ]           | [X]           |
| Joseph McCourt       | [ ]        | [ ]        | [ ]            | [ ]           | [X]           |

The meeting adjourned at 8:10 pm.

Susan Bischoff, Certified Shorthand Reporter, 449 Columbia Boulevard, Wood-Ridge, NJ 07075 took a transcript of the meeting.

/akl