



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
SEPTEMBER 19, 2022

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, September 19, 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 McCourt. Commissioners Contey and Fares were not present.

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

Adoption of Minutes:

Chairman Adams called for the adoption of the minutes from the August 15, 2022 regular meeting.

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

Communications:

- Letter from Stephen S. Rose, Esq. dated September 19, 2022 requesting the matter for Application Z-22-007 – ALEXANDER MACKNIGHT – Site: 100 West 17th Street; Block 238, Lot 43 be carried to the October 17, 2022 regular meeting with no further notice on the part of the applicant
 - Commissioner DiLullo made the motion to carry the matter to the October 17, 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.
- Board Attorney Richard Campisano, Esq. advised the Commissioners that the matter for Application Z-22-003 – 646 JFK, LLC will not be heard this evening and the applicant will renote. No action is required of the Board for this matter.
- Verbal notice from Mahmoud Fares, Zoning Board of Adjustment Commissioner, to Alicia Losonczy on September 12, 2022 advising of resignation from the Board immediately since he has moved out of Bayonne

Item VII:

Z-22-001 – THE L GROUP, LLC – Site: New Hook Road and East 22nd Street; Block 452.02, Lot 5.01 *[The applicant is seeking an appeal to the Zoning Officer's decision that the use of a commercial parking facility is strictly limited to automobiles and does not include the parking of commercial vehicles such as trucks, tractor trailers, and automobile transporters.]*

Matthew Posada, Esq., attorney for applicant, gave an overview of the application and explained to the Board the scope of the appeal to the Zoning Officer's decision; that clarity is required in order to understand if a commercial parking facility is restricted to only parking of automobiles.

Witness #1:

Edward Kolling, Professional Planner (licensed in the State of New Jersey), was recognized as an expert by the Board and sworn in to provide testimony. Mr. Kolling testified to the Redevelopment Plan and the H-C Zone District. He explained his interpretation of what a parking facility is defined as. He testified that Item #8 in the Redevelopment Plan reverts back to the H-C Zoning where Commercial Parking Facility is listed as a permitted Conditional Use within the district. Mr. Kolling defined vehicles as per New Jersey Statutes and provided his interpretations of such. In his opinion, the proposed facility qualifies as a permitted use within the Redevelopment Plan and the H-C District but if an application were to be filed, it should be heard before the Planning Board.

Board Questions:

Chairman Adams and Commissioner DeRos questioned Mr. Kolling.

Audience questions:

There were no questions from the audience.

Testimony from the Zoning Officer

Ms. Tracey Tuohy, Zoning Officer for the City of Bayonne, presented her testimony which cited definitions and ordinances advising the Board how she came to her decision. Mr. Posada questioned Ms. Tuohy. Ms. Apte questioned Mr. Posada.

Closing Statement from Attorney:

Mr. Posada referred back to the Zoning Ordinance and requested the Board vote in favor of his client's appeal to the Zoning Officer's decision based on his witness' testimony.

Closed Caucus:

Chairman Adams stated that he is hesitant to overturn the decision of the Zoning Officer and is in agreement with the Zoning Officer. The other Commissioners agreed with Chairman Adams.

Motion:

Commissioner DiLullo made a motion to grant the appeal to the Zoning Officer's decision. Commissioner Pineiro seconded the motion.

The following vote to approve the appeal was taken at the hearing:

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]
Joseph McCourt	[]	[X]	[]	[]	[]

Item VI:

Z-22-005 – RAMY ESHAK – Site: 76 Humphrey Avenue; Block 350, Lot 5

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

Paul N. Weeks, Esq., attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits A-1 through A-19. Mr. Weeks advised that the applicant has changed the proposal to remove the front porch overhang in order to pull the vehicles in further and that his expert today would testify to such.

Witness #1:

Daniel Angel Roma, licensed Architect in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. He discussed the existing two-family dwelling, the proposed site plan and the elimination of the porch overhang. Mr. Roma testified that the southern front of the property measures sixteen feet three inches which is short of the requirement of sixteen feet six inches, therefore, the change to the plan is to remove the balcony. He stated that the house next door has a similar situation. Mr. Roma discussed the pervious pavers and all other aspects of this proposal.

Board Questions:

Commissioners DiLullo, DeRos and Lombari questioned Mr. Roma. Mr. Russo questioned Mr. Roma.

Audience questions:

Maryanne Olear, who resides at 78 Humphrey Avenue, questioned Mr. Roma.

Closing Statement from Attorney:

Mr. Weeks summed up the application and requested the Board vote favorably upon this application.

Closed Caucus:

Chairman Adams stated that the removal of the porch is a game changer for this application and feels this application can be approved. Commissioners DiLullo, DeRos, McCourt and Pineiro agreed with Chairman Adams. Commissioners Lombari and Sisk-Galvin are not 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 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]	[]	[]	[]	[]
Nicholas DiLullo	[X]	[]	[]	[]	[]
Louis Lombardi	[]	[X]	[]	[]	[]
Joseph Pineiro	[X]	[]	[]	[]	[]
Arrigo DeRos, Jr.	[X]	[]	[]	[]	[]
Cindi Sisk-Galvin	[]	[X]	[]	[]	[]
Susan Contey	[]	[]	[]	[]	[X]
Joseph McCourt	[X]	[]	[]	[]	[]

****A short break was taken at 7:32 pm. Secretary Lombardi took a roll call and the meeting reconvened at 7:47 pm.****

Item VIII:

Z-21-011 – EMMA LOUISE CAMPBELL O’NEILL – Site: 23 Cottage Street; Block 319, Lot 6.01 *[The applicant seeking a Certificate of Non-Conformity from the Board pursuant to the Municipal Land Use Law, to allow for the continued use of the property as a commercial art gallery.]* Chairman Adams explained that this application is for a Certificate of Non-conformity, not a use variance.

Paul Weeks, Esq., attorney for applicant gave an overview of the application and asked the Board to accept his exhibits A-1 through A-16.

Witness #1:

Steve Kawalek, Architect (licensed in the State of New Jersey), was recognized as an expert by the Board and sworn in to provide testimony. Chairman Adams questioned why a site plan was prepared since it was “not fit” for the Certificate of Non-conformity application. Mr. Weeks testified that although an unusual type of proposal, Mr. Kawalek will lead his testimony

toward the history of the property. Mr. Kawalek described the existing building on the site located in the R-2 Zone as a commercial structure. He described the roughly 1,600 square foot space was once leased to Dial Products, which designed equipment for use on ships. Since the applicant has not had to reconfigure the space in any way, the layout remains the same as it has been for decades. Mr. Kawalek testified to the gallery use and that a Certificate of Nonconformity should be granted due to the long commercial history of the site. He does not believe it would have any public detriment to the public good if it continued to operate there.

Board Questions:

Vice-chairman DiLullo and Commissioner DeRos questioned Mr. Kawalek.

Audience questions:

There were no questions from the audience.

Witness #2:

Ms. Beverly Ortega was recognized as the property owner and sworn in to provide testimony. Ms. Ortega discussed her father's business, Dial Products, and the showroom that he had for display of said products.

Board Questions:

Vice-chairman DiLullo questioned Ms. Ortega.

Audience questions:

There were no questions from the audience.

Witness #3:

Emma Louise Frances Campbell-O'Neill was recognized as the gallery owner and sworn in to provide testimony. Ms. Campbell-O'Neill discussed her art gallery and defined "outsider

art” as that the artists who participate with this museum have not studied in a specific field. She testified to the hours of operation and discussed her previous location in Brooklyn.

Board Questions:

Commissioners Pineiro and McCourt questioned Ms. Campbell-O’Neill.

Audience questions:

There were no questions from the audience.

Statements from the Audience:

Eric Evan Bleich, resident of Bayonne and an Artist himself, attested to the benefits of Ms. Campbell-O’Neill’s gallery. Diane Policastro, resident of Bayonne and an Artist herself, attested to the positive impact of the gallery and Ms. Campbell-O’Neill. Heather Ann Sheppard has known Emma for twenty years and stressed the importance of the gallery to the community. Farah Nuradeen, knows Ms. Campbell-O’Neill, commends her for her professionalism and states she is a gift to the community. Caryn La Greca, a photographer from Bayonne, spoke in regard to the need for the culture of the gallery in the City of Bayonne. Tonya Kounsens, showed her art at the museum in December, attested to the immersive experience and stipulated how lucky Bayonne is to have Ms. Campbell-O’Neill in our community. Vera Hawkins has known Ms. Campbell-O’Neill for approximately four years and stated that she is a professional and helps all artists and people that visit her gallery. Iggy Berlin, stated that Ms. Campbell-O’Neill’s art gallery is a chance to speak to artists and a place for artists to feel comfortable. Michael Pope stated that Ms. Campbell-O’Neill builds community through her gallery. Jacqueline Mancino, an attorney in Bayonne, states that Ms. Campbell-O’Neill contributes so much to the City of Bayonne.

Closing Statement from Attorney:

Mr. Weeks summed up the application and advised that the testimony explained the historic commercial use of the property. He then requested the Board vote favorably upon this application.

Closed Caucus:

Chairman Adams stated that the affirmation of Ms. Ortega's testimony is particularly compelling and will be voting in favor of this application. Commissioners DiLullo, Lombardi, DeRos, McCourt, Pineiro and Sisk-Galvin concurred with Chairman Adams.

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.

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]
Joseph McCourt	[X]	[]	[]	[]	[]

Adoption of Resolutions:

- **Z-22-004 – DOMINGO MONEGRO – Site: 167 Prosect Avenue in City Block 429, Lot 28**
 - Commissioner DiLullo made a motion to adopt the resolution and Commissioner McCourt 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]
Joseph McCourt	[X]	[]	[]	[]	[]

- **Z-22-006 – MICHAEL ATTAALAA – Site: 6 Isabella Avenue in City Block 324, Lot 10**
 - Commissioner DiLullo made a motion to adopt the resolution and 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]	[]	[]	[]	[]
Nicholas DiLullo	[X]	[]	[]	[]	[]
Louis Lombardi	[X]	[]	[]	[]	[]
Joseph Pineiro	[X]	[]	[]	[]	[]
Arrigo DeRos, Jr.	[X]	[]	[]	[]	[]
Cindi Sisk-Galvin	[X]	[]	[]	[]	[]
Susan Contey	[]	[]	[]	[]	[X]
Joseph McCourt	[X]	[]	[]	[]	[]

- **Z-22-002 – 321 BROADWAY BAYONNE, LLC – Site: 321 Broadway in City Block 252, Lot 19**
 - Commissioner DiLullo made a motion to adopt the resolution and Commissioner McCourt 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]
Joseph McCourt	[X]	[]	[]	[]	[]

The meeting adjourned at 8:37 pm.

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

/akl