



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
OCTOBER 17, 2022**

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, October 17, 2022, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:03 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 and Contey. Commissioner McCourt and Sisk-Galvin was 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 September 19, 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.

Item VI:

Z-22-003 – 646 JFK, LLC – Site: 646 Kennedy Boulevard; Block 188, Lot 40 *[The applicant proposes to convert the mixed-use building from two (2) dwelling units and a ground floor commercial space to a three (3) family home.]*

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

Witness #1:

Alan Feld, an Architect licensed in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. Mr. Feld advised that the property is located in the R-2 district and the modification for this proposed project would require relief for this pre-existing non-conformity. He testified that the property has an existing three story building and a one-story garage is in the rear. He advised that the former ground floor commercial use of a pizzeria has been abandoned for some time now and would be converted to a residential unit. Mr. Feld provided an overview of the project.

Board Questions:

Chairperson Adams, Vice-chairperson DiLullo and Commissioner DeRos questioned Mr. Feld. Ms. Apte and Mr. Russo questioned Mr. Feld.

Audience questions:

There were no questions from the audience.

Witness #2:

John McDonough, PP, was recognized as an expert by the Board and sworn in to provide testimony. He testified to the requested variances requested for this project. Mr. McDonough

advised that this is a corner lot and the proposed project would not interfere with the pattern of the area. He advised that the applicant intends to retrofit the commercial ground floor use to a residential use since the commercial use outlived its former life. Mr. McDonough testified that the relief requested for this application could move the site more in line with what is expected of the zone.

Board Questions:

Ruben Mercado, 645 Kennedy Boulevard, questioned if there would be any lighting.

Audience questions:

There were no questions from the audience.

Statements from the Audience:

There were no comments from the audience.

Closing Statement from Attorney:

Mr. Leane requested the Board vote in favor of this application.

Closed Caucus:

Chairman Adams stated that there were a few items that move him in a favorable direction for this application and will be voting in favor of this application. His fellow Commissioners concurred.

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>	<i>Not voting</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 VII:

Z-22-007 – ALEXANDER MACKNIGHT – Site: 100 West 17th Street; BLOCK 238, LOT 43 *[The applicant is seeking a variance to construct two off-street parking stalls with electrical outlets for electric motor vehicle charging.]*

Stephen Rose, Esq., attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits. The applicant took ownership in November 2021 and is looking to create two parking stalls for electric vehicles, however, relief is being sought since the two stalls are slightly smaller than what the ordinance requires.

Witness #1:

Alexander McKnight, one of the owners of this property, was sworn in to provide testimony in regard to this application. He discussed the two-unit dwelling at the site and that approximately 72% of the dwellings in the area have parking stalls. Mr. McKnight testified to the proposal that he and his wife would like to have the parking area for two electrical vehicles.

Board Questions:

Chairperson Adams made comment to Mr. McKnight. Vice-chairperson DiLullo questioned Mr. McKnight.

Audience questions:

There were no questions from the audience.

Witness #2:

Donald Chin, Architect, licensed in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. He testified to what the applicant is proposing for this project.

Board Questions:

Chairperson Adams, Vice-chairperson DiLullo, Commissioner DeRos and Commissioner Pineiro questioned Mr. Chin. Mr. Russo and Ms. Apte questioned Mr. Chin.

Audience questions:

There were no questions from the audience.

Mr. McKnight was recalled and Mr. Rose questioned Mr. McKnight.

Witness #3:

John McDonough, PP, was recognized as an expert by the Board and sworn in to provide testimony. He testified to the proposed project and the analytics of carports in the neighborhood. Mr. McDonough testified that it is in harmony with the neighborhood. Mr. McDonough testified that the relief requested for this application could be beneficial to utilize this for charging of electrical vehicles.

Board Questions:

Chairperson Adams questioned Mr. McDonough.

Audience questions:

There were no questions from the audience.

Statements from the Audience:

There were no comments from the audience.

Closing Statement from Attorney:

Mr. Rose requested the Board vote in favor of this application after hearing the testimony.

Closed Caucus:

Chairman Adams advised that the space that the applicant wants to utilize for the parking stall is far too small and will not be voting in favor of this application. His fellow Commissioners concurred.

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 7:24. The meeting reconvened at 7:35 and Secretary Lombardi took a roll call.***

Item VIII:

Z-22-008 – 207 BLACKSTONE HOLDINGS, LLC (MAJID MIRZA) – Site: 207 Avenue B; BLOCK 60, LOT 16 *[The applicant is seeking a variance to allow the use of the ground floor area behind the garage as livable space.]*

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

Witness #1:

Jennifer Palermo, an Architect licensed in the State of New Jersey was recognized as an expert by the Board and sworn in to provide testimony. Ms. Palermo discussed the proposed application requesting a variance to allow the use of the ground floor area behind the garage as livable space. Ms. Palermo introduced an additional exhibit, a color rendering which was marked as Exhibit A-20.

Board Questions:

Chairperson Adams and Ms. Apte had questions or made comment to Ms. Palermo.

Audience questions:

There were no questions from the audience.

Witness #2:

John McDonough, Professional Planner, licensed in the State of New Jersey was recognized as an expert by the Board and sworn in to provide testimony. He described the proposed application and why the relief being sought is triggered. Mr. McDonough advised if approved, the project will not be perceived as out-of-character for the area and is a permitted use. Mr. McDonough testified that the project would revitalize underutilized land and approval is warranted without any substantial impacts on the neighborhood.

Board Questions:

There were no questions from the Board.

Audience questions:

There were no questions from the audience.

Statements from the Audience:

There were no comments from the audience.

Closing Statement from Attorney:

Mr. Cecinini requested the Board vote in favor of this application after hearing the testimony.

Caucus:

Chairman Adams stated the testimony was convincing and will be voting in favor of this application. All the commissioners 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 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]	[]	[]	[]	[]
Joseph McCourt	[]	[]	[]	[]	[X]

****A short break was taken at 7:55 to allow the Stenographer a moment for the equipment. The meeting reconvened at 7:56.***

Item IX:

Z-22-010 – STS. PETER AND PAUL GREEK CHURCH – SITE: 93-95 WEST 27TH STREET AND 94-96 WEST 28TH STREET; BLOCK 170, LOTS 2 AND 24 *[The applicant is seeking to subdivide 93-95 West 27th Street and change the lot lines in order to keep the church annex on the church property at 94-96 West 28th Street.]*

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

Witness #1:

Edward Kolling, a licensed Planner in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. He testified to the application which includes minor site plan and subdivision and the variances requested due to the pre-existing location of the buildings on the current parcel. Mr. Kolling testified how the positive criterion greatly outweighs the negative criteria.

Board Questions:

Chairman Adams and Vice-chairman DiLullo questioned Mr. Kolling.

Audience questions:

There were no questions from the audience.

Witness #2:

Stephen Wasilewski, the Church Council President, was sworn in and advised how the Church purchased the separate lots and consolidated them. He advised that this application is for the purpose of changing lot lines and that the church is having difficulty staying open. Mr. Wasilewski advised that the liquidation of one lot would

Board Questions:

Chairman Adams, Vice-Chairman DiLullo questioned Mr. Wasilewski.

Audience questions:

There were no questions from the audience.

Witness #3:

Margaret Kovach, Secretary for the Church, spoke to the necessity of this subdivision for viability of their continued existence.

Board Questions:

There were no questions from the Board.

Audience questions:

Russell Wiskanycz, Financial Secretary of the church for several years, testified to the need of this subdivision. He described other attempts for the church to come out of debt, however, the sale of the house would allow the Church to exist for another eight to ten years.

Statements from the Audience:

Steve Cimboric, 130 Meadow Road, Clark, New Jersey spoke in favor of this application. Reverend Wilfred Royer appealed to the Commissioners to approve this application.

Closing Statement from Attorney:

Mr. Cecinini requested the Board vote in favor of this application after hearing the testimony

Caucus:

Chairman Adams discussed the church as inherently beneficial for the community and recognized the possible financial downward spiral and believes there is a better alternative, therefore, will be voting in favor of this application. All commissioners 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-20-005 – RAMY ESHAK – Site: 76 Humphrey Avenue; Block 350, Lot 5**

- Commissioner DiLullo made a motion to adopt the resolution and 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]	[]	[]	[]	[]
Joseph McCourt	[]	[]	[]	[]	[X]

- **Z-22-001 – THE L GROUP, LLC – Site: New Hook Road and East 22nd Street; Block 452.02, Lot 5.01**

- Commissioner DiLullo made a motion to adopt the resolution and 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]	[]	[]	[]	[]
Joseph McCourt	[]	[]	[]	[]	[X]

- **Z-21-011 – EMMA LOUISE CAMPBELL O'NEILL – Site: 23 Cottage Street; Block 319, Lot 6.01**

- Commissioner DiLullo made a motion to adopt the resolution and 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]	[]	[]	[]	[]
Joseph McCourt	[]	[]	[]	[]	[X]

The meeting adjourned at 8:50 pm. Carmen Wolfe was filling in for Susan Bischoff, Certified Shorthand Reporter, 449 Columbia Boulevard, Wood-Ridge, NJ 07075 took a transcript of the meeting.

/akl