



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MARCH 20, 2023

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, March 20, 2023, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:01 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, McCourt, Contey, Lubach, Frain and Elghari.

Also present were Richard Campisano, Esq., Board Counsel, Robert J. Russo, PP, 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 February 27, 2023 regular meeting.

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

Communications:

- Letter dated March 20, 2023 from Paul N. Weeks, Esq. for Z-22-015 KAMAL GIRGIS – Site: 46 West 21st Street; Block 216, Lot 32 requesting the matter be carried to the April 17, 2023 meeting
 - Commissioner Lombardi made the motion to carry the matter to the April 17, 2023 meeting and Commissioner Pineiro seconded the motion. A unanimous vote of eligible Commissioners followed.

Item VII – Public Hearing:

Z-23-001 – ST MARIA GROUP CORP – Site: 12 West Grand Street; BLOCK 64, LOT 29 *[The applicant is proposing to raze the present structure and construct a two and a half story new two-family dwelling; a variance is sought for minimum lot area.]*

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

Witness #1:

Steve Kawalek, an Architect licensed in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. He discussed the nature of the application and the four variances that are being requested (three of the variances are pre-existing). Mr. Kawalek explained this existing non-conforming dwelling is located in the R-2 district. He commented that the applicant proposes to raze the present structure and construct a two and a half story new tow-family dwelling. Mr. Kawalek stated that it is his belief that this application satisfies the positive requirements of zoning and that the benefits substantially outweigh any detriment.

Board Questions:

Chairperson Adams, Vice-chairperson DiLullo and Commissioner DeRos questioned Mr. Kawalek.

Audience questions:

Mr. Tom Solari, 8 West Grand Street, questioned Mr. Kawalek. Mr. Thomas Ballweg, of 14 West Grand Street, questioned Mr. Kawalek.

Closing Statement from Attorney:

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

Statements:

Tom Solari, 8 West Grand Street, made a statement in objection to this application. Evelyn Magarbin, of 8 West Grand Street, made objection to this application. Kyrollis Awad, of 154 West 20th Street, discussed this as a reasonable application. Thomas Ballweg made a comment in objection to this application.

Closed Caucus:

Chairman Adams stated that if the lot were six and a half feet deeper, the applicant would be able to build the dwelling as-of-right. He advised that he would be voting in favor of this application and Commissioners DiLullo, Frain and Elghari agreed. Commissioner DeRos will not be voting in favor of this application and Commissioners Sisk-Galvin, Contey, Pineiro, and Lubach agreed with him.

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.

The following vote to approve the application was taken at the hearing on March 20, 2023:

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]
Edward Lubach, Jr.	[]	[]	[]	[]	[]	[X]
Thomas Frain	[]	[]	[]	[]	[]	[X]
Islam Elgarhi	[]	[]	[]	[]	[]	[X]

Item VIII: Executive Session:

As needed to discuss litigation, personnel or other matters.

The meeting adjourned at 6:41 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl