



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
APRIL 17, 2023

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, April 17, 2023, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:02 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, Secretary Lombardi, Commissioners Pineiro, McCourt, Contey, Frain and Elgarhi. Vice-Chairman DiLullo, Commissioners Sisk-Galvin, DeRos and Lubach were not present.

Also present were Richard Campisano, Esq., Board Counsel, Robert J. Russo, PP, City Engineer, Michael Sullivan, consulting City Planner, PP, (covering for James Clavelli) and Alicia Losonczy, Zoning Board of Adjustment Administrator. Suzanne Mack, PP, City Planner, joined the meeting at 6:30 pm.

Adoption of Minutes:

Chairman Adams called for the adoption of the minutes from the March 20, 2023 regular meeting.

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

Communications:

- Correspondence dated April 13, 2023 from Paul N. Weeks, Esq. for Z-23-001 ST. MARIA GROUP – Site: 12 West Grand Street in City Block 64, Lot 29 requesting the matter be carried until the May 15, 2023 meeting
 - Chairperson Adams made the motion to carry the matter to the next regular hearing which will take place on May 15, 2023 and Commissioner Lombardi seconded the motion. A unanimous vote of eligible Commissioners followed.

Item VI:

Whispering Woods Hearing in Accordance with the Settlement Agreement Executed by ABBA KARAS REALTY, LLC BY RAMEZ ZAKI, et al v. The City of Bayonne, et al

Z-21-007 – ABBA KARAS REALTY, LLC BY RAMEZ ZAKI – Site: 73 and 77 West 32nd; Block 144, Lots 17 and 18 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief in order to demolish the two existing one-family houses on each of the lots and to construct a four-story, 20-unit building with 25 parking spaces.]*

James Begliomini, Esq. advised that he was filling in for Peter Cecinini, Esq., attorney for applicant, gave a brief overview of this matter as an appeal with a proposed settlement agreement and requested the Board adopt the Settlement Agreement since the applicant is addressing the Board's concerns.

Witness #1:

Steven Kawalek, 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 changes that have been incorporated into the site plan and included in the Settlement Agreement. He advised that the

few access doors that the Board did not appreciate at the last hearing were to be eliminated. Mr. Kawalek also advised that the rooftop amenities were more fully developed to include a kitchen-type area on the roof and that the unit mix was changed to ten one-bedroom units and ten two bedrooms units. Mr. Kawalek described that changes would be made to the driveway area in order to alert people of the driveway area in compliance with the Board's comments provided at the previous hearing.

Board Questions:

There were no questions from the Board.

Audience Comments:

Gail Godesky, who resides at 828 Kennedy Boulevard, made comment not in favor of this application. Mike Lawandy, who resides at 34 West 24th Street, made comment in favor of this application. Jeffrey Vincent Lee, who resides at 170 Avenue B, made comment in favor of this application. Magdy Daniel, 9 East 36th Street, testified that he is in support of this project. Michael Khela, 22 Newark Bay Court, made comment in favor of this application.

Closing Statement from Attorney:

Mr. Begliomini provided his closing statement and asked the Board to vote favorably upon this application.

Closed Caucus:

Chairman Adams stated that given the facts of the matter and the (d) variance only received four votes and denied at the previous hearing, and given that the applicant's changes which are included in the Settlement Agreement, he found it reasonable to approve this Settlement Agreement and will be voting in favor of this matter and his fellow Commissioners concurred.

Motion:

Commissioner Lombardi made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro seconded the motion.

The following vote to approve the application was taken at the hearing on April 17, 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 VII:

Z-22-015 – KAMAL GIRGIS – Site: 46 West 21st Street; BLOCK 216, LOT 32 [The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to convert the existing two-family residence into a four-family residence.]

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

Witness #1:

Al Sambade, a 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 nature of the application and explained the property site which currently has four apartments in an old building that used to be occupied by Bayonne Printing Press Company. He advised that it was later used a mattress factory and the residential units on the second floor were added. Mr. Sambade added that this

block has never really been a historically residential block. He described the property immediately to the rear as Reverend Sykes' Friendship Baptist Church which had an application before the Board approximately twenty years ago. Mr. Sambade explained that the property the applicant owns has been the same since that time and went on to discuss multiple documents from the Building Department and Fire Department that support the current use as a four-unit building. He advised that the applicant acted on good faith, based on the recommendation of the Building Department and proceeded to invest funds into the modifications that he made. Mr. Sambade provided testimony that this property, as it appears today, has been used as such for at least the last twenty-five years. He provided testimony to justify the variances being requested and advised that it is his opinion that this application, if approved, would not have substantial detriment to the public good.

Board Questions:

Chairperson Adams questioned Mr. Sambade.

****A quick break was taken at 6:53 pm. The meeting was brought back to order at 7:00 pm and a roll was taken by Secretary Lombardi.***

Mr. Weeks answered Chairperson Adams' question in regard to the existence of a green card from state inspections. Mr. Weeks advised that the DCA Certificate Number is 0901042808 and that the property's latest and only registration date is October 4, 2022.

Commissioner Pineiro questioned Mr. Sambade. Mr. Russo questioned Mr. Sambade and as a result, requested the Board make it a condition of approval that applicant make façade improvements.

Audience questions:

There were no questions from the audience.

Audience Comments/Statements:

Gail Godesky made comment in favor of this application. Veronica Gull, has resided in 46 West 21st Street for nearly eighteen years now, and is in favor of this application. Jimmy Schemouda, resides at 46 West 21st Street for nearly eight years now, and advises that he is in favor of this application.

Closing Statement from Attorney:

Mr. Weeks summed up the application, advised that he felt Mr. Sambade's testimony spoke for itself and requested the Board vote favorably upon this application.

Closed Caucus:

Chairman Adams stated that he appreciated the tenants' testimony in support of this application and discussed the fact that the applicant owns other multi-family dwellings throughout town. He feels this applicant made no attempt to redo the interior design of the building, thinks this proposal is too dense for the neighborhood and will not be in favor of this proposal. Commissioner Lombardi, Pineiro, McCourt, Frain and Elghari agreed that they would not be in favor of this application. Commissioner Contey is in favor of the application.

Motion:

Commissioner Lombardi made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro seconded the motion.

The following vote to approve the application was taken at the hearing on April 17, 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]	[]	[]	[]	[]

Adoption of Resolutions:

- **Z- 21-007 - ABBA KARAS REALTY, LLC by RAMEZ ZAKI – Site: 73 and 77 West 32nd Street; Block 144, Lots 17 and 18**

- Commissioner _ made a motion to dismiss without prejudice Commissioner _ seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on April 17, 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 7:18 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl