



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 15, 2023

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, May 15, 2023, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:05 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, Lubach, and Elghari. Commissioners McCourt, Frain and Contey were not present.

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

Communications:

- Correspondence dated May 15, 2023 from Paul Weeks, Esq. for Z-23-002 – ALI QURESHI – Site: 10 Elm Court; Block 473.02, Lot 10 requesting the matter be carried until June 26, 2023 without further notice on the applicant
 - Commissioner DiLullo made the motion to carry the matter to the June 26, 2023 meeting. Commissioner Pineiro seconded the motion. A unanimous vote of eligible Commissioners followed.

- Correspondence dated May 15, 2023 from Peter Cecinini, Esq. for Z-22-011 – 990 BROADWAY PROPERTIES, LLC – Site: 990 Broadway; Block 66, Lot 52 requesting the matter be carried until June 26, 2023 without further notice on the applicant
 - Commissioner DiLullo made the motion to carry the matter to the June 26, 2023 meeting. Commissioner Elghari seconded the motion. A unanimous vote of eligible Commissioners followed.

Item VI:

Z-23-001 – ST. MARIA GROUP CORP – Site: 23 West Grand Street; BLOCK 64, LOT 29 *[The applicant is seeking a reconsideration of the application for a 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 applicant, gave an overview of the application and asked the Board to accept the applicant's proposal to draft and submit a deed restriction that the ground floor space would not be used for livable space or an apartment in an effort to allay the Board's concerns that an illegal occupancy would be placed in that area. This application did not require a use variance or site plan approval since it was a two-family home. Mr. Weeks testified that the relief requested remains the same as in the prior presentation.

Board Questions:

Comments were made by Mr. Russo and Mr. Clavelli. Commissioners Lombardi, DiLullo and DeRos questioned Mr. Weeks.

Audience questions:

Tom Ballweg made comment to the Board.

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 he found if the lot was six feet deeper, the applicant could have constructed the home with no requirement of the Board whatsoever. He feels the deed restriction reinforces his idea that this would be a good application. Commissioner DiLullo agreed with Chairman Adams, however, he felt the sliding glass door would help to keep it from being used as an illegal apartment. His fellow 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.

The following vote to reconsider and approve the application was taken at the hearing on May 15, 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-22-015 – KAMAL GIRGIS – Site: 46 West 21st Street; BLOCK 216, LOT 32**
 - Commissioner DeRos made a motion to dismiss without prejudice Commissioner Elghari seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on May 15, 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]	[]	[]	[]	[]	[]

- **Z-22-015 – ABBA KARAS REALTY LLC BY RAMEZ ZAKI – Site: 73-77 West 32nd Street46**
 - Commissioner Lombardi made a motion to approve the Settlement Agreement and Commissioner Pineiro seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on May 15, 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 6:33 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl