



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JUNE 26, 2023

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, June 26, 2023, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:07 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 Lombari called the roll. Present at the meeting were Chairman Adams, Vice-Chairman DiLullo, Secretary Lombari, Commissioners Pineiro, DeRos, Frain and Elghari. Commissioners Sisk-Galvin, McCourt, Contey, and Lubach were not present.

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 April 17, 2023 regular meeting.

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

Chairman Adams called for the adoption of the minutes from the May 15, 2023 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-23-002 – ALI QURESHI – SITE: 10 ELM COURT STREET; BLOCK 473.02, LOT 10 [The applicant is seeking bulk variance relief for lot coverage in order to construct a new deck in the rear yard.]

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

Witness #1:

Shahzad (Ali) Qureshi, owner of the property, was sworn in to provide testimony. He testified that he lives there for twenty-one (21) years. His wife, his son and he are looking to construct a deck on the second floor. His son sustained head injuries after being assaulted several years ago and is now disabled. Mr. Qureshi advised he is looking for a second floor deck for his son to go outside into the fresh air and sunlight. He discussed the shed on the property could be relocated if the Board required.

Board Questions:

Chairperson Adams, Mr. Russo, and Mr. Clavelli questioned Mr. Qureshi.

Audience questions:

There were no questions from the audience.

Witness #2:

Ali Qureshi, Architect licensed in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. He described the dimensions of the deck and addressed the issue of the impervious coverage as it relates to the impervious coverage. He discussed that the planking of the deck has gaps between the slats and there will be grass below it. He advised that the height is ten (10) feet.

Board Questions:

Chairperson Adams questioned Mr. Qureshi and asked Mr. Clavelli for clarification. Commissioners DiLullo and DeRos questioned Mr. Qureshi.

Audience questions:

There were no questions from the audience.

Audience comments/statements:

There were no statements from the audience.

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 testimony and the facts brought out lead him to find that this application should be approved. He doesn't really see any increase in pervious coverage and says that the shed will be addressed, therefore, will be voting in favor of this application. Commissioner DiLullo asked that a condition be made to use planking with gaps in between and that the shed be located onto the property off of the Conrail property. The other 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 Lombardi seconded the motion.

The following vote to approve the application was taken at the hearing on June 26, 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-22-011 – 990 BROADWAY PROPERTIES, LLC – SITE: 990 BROADWAY;
BLOCK 66, LOT 52 [The applicant is seeking to convert an existing, vacant residential unit over the present ground-floor commercial use to construct a kitchen to serve the ground floor commercial use of a bar/tavern.]**

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

Witness #1:

Anthony Persaud, owner of the tavern (formerly DiGiorgio's Tavern) was sworn in and testified that he would like to convert the second-floor storage area into a kitchen. He advised that the same number of seats (59 seats), tables and guests are proposed. He advised there are twenty to thirty patrons a night and some order in their own food. The food would be prepared

on the second floor in the kitchen and then brought downstairs. If they are permitted to have food, they would have their trash removed twice a week privately. He advised the menu would be traditional bar food; burgers, sliders, chicken fingers, and fries. He advised there would be no further deliveries from Door Dash and that the kitchen would close at 11:00 pm.

Board Questions:

Commissioner Adams, DiLullo, Pineiro, and Elghari questioned Mr. Persaud.

Audience questions:

There were no questions from the audience.

Witness #2:

Steve Kawalek, an Architect licensed in the state of New Jersey, was sworn in and provided testimony in support of this application. He discussed the layout of the first and second floors and then the proposal of using the second floor for the purpose of a kitchen. He discussed that parking on the site is not possible and the bar is an expansion of anon-conforming use, however, he argues that it is very minimal. He testified that this application satisfies the positive criteria and the benefits outweigh the detriments. .

Board Questions:

Chairperson Adams and Commissioner DiLullo questioned Mr. Persaud.

Audience questions:

There were no questions from the audience.

Closing Statement from Attorney:

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

Closed Caucus:

Chairman Adams stated that he the applicant has agreed to the items listed in the planner's report and does not feel there will be a negative effect on the neighborhood. His fellow Commissioners concurred. Mr. Campisano addressed the conditions that a private hauler would come twice a week, there would be no deliveries of prepared foods on the site, a new gate would be installed and the refrigeration would be included on the revised plans submitted for resolution compliance.

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 June 26, 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 Lombari	[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]	[]	[]	[]	[]	[]

***A short break was taken at 7:04 pm and reconvened at 7:14 pm. A roll call was taken by Secretary Lombari.**

Item VIII:

Z-22-014 – IGLESIA REHOBOTH NJ JESUCRISTO ES LA REPUESTA, INC. –

Site: 416 AVENUE C; BLOCK 231, LOT 55 *[The applicant is seeking relief to use the ground floor of this mixed-use property located in the C-1 Neighborhood Commercial District as a church.]*

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

Witness #1:

Ludi Marroquin, Pastor for the Iglesia Rehoboth NJ Jesucristo es la Repuesta, Inc. Church, was sworn in and testified to the small congregation of approximately twenty-five (25) members of the congregation. He advised that he has been Pastor for approximately five years at this location. Pastor Marroquin testified that they meet on Wednesdays and Friday from 7:00 pm – 9:00 pm for bible study and also on Sunday from 10:00 am – 12:00 pm for bible study and then a service from 12:00 pm - 2:00 pm. He advised there is no kitchen, office space or day care. He advised that there is a plan for a food pantry on Saturday mornings where food would be brought from Brooklyn and provided to those in need in the neighborhood. Pastor Marroquin advised that there is room enough for approximately 46 (forty-six) congregates inside and they have a van used for transporting congregates.

Board Questions:

Chairperson Adams, Mr. Russo, and Mr. Clavelli questioned Mr. Persaud.

Audience questions:

There were no questions from the audience.

Witness #2:

Connor Hughes, a Traffic Engineer licensed in the State of New Jersey, was accepted as a professional witness and sworn in before the Board. He described the site and discussed the Parking and Traffic Assessment (dated February 24, 2023) that he prepared which surveyed the available parking in the area. Mr. Hughes testified to the existing demand and trip generation for this use. He advised that forty-one (41) is the proposed number of seats for this church and compared the parking to this. Mr. Hughes advised that most of the parishioners live in the neighborhood and there is a lot of mass transit in the area for the parishioners' uses.

Board Questions:

Commissioners Pineiro, DiLullo, and Elghari questioned Mr. Hughes.

Audience questions:

There were no questions from the audience.

Witness #3:

Steven Kawalek, an Architect licensed in the State of New Jersey, was accepted as an expert witness and sworn in before the Board. Mr. Kawalek described the project and upgrades to the façade for this currently vacant building. He described the variances required for this project located in the C-1 zone and explained that the variances are pre-existing but also that the site does not meet all the conditional requirements for this conditional use; specifically lot line and lot buffer. Mr. Kawalek advised that the relief requested is probably not seen anywhere in town, other than perhaps at the Shop Rite Supermarket. He advised that the positive criteria advances two purposes of zoning and outweighs the negative criteria and argued that the use is more like a meeting house as opposed to a traditional church with multiple services throughout the week, therefore, asked the Board to vote favorably upon this application.

Board Questions:

Chairperson Adams asked about the ground floor rear apartment which is one of the five apartments. Mr. Kawalek advised that he did not have access to that apartment. Commissioner DiLullo asked what the front façade would look like. Mr. Kawalek advised a new soffit and upgraded glass on each side is proposed. Commissioner DeRos questioned Mr. Kawalek if a sign and lighting is proposed. Mr. Kawalek advised that if a sign will be proposed, a separate zoning permit will be submitted for it. Mr. Clavelli questioned Mr. Kawalek if the air conditioner above the door would be removed and Mr. Kawalek advised that it would be removed.

Audience questions:

There were no questions from the audience.

Audience Comments/Statements:

There were no statements from the audience.

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 feels that the applicant has met their burden for this application to be approved and any concerns of the Commissioners were addressed. He did not feel that this would negatively impact the zone plan or neighborhood. Commissioner DiLullo asked that we condition the occupancy to a maximum of 45 seats. The other Commissioners concurred.

Motion:

Vice-Chairperson 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 approve the application was taken at the hearing on June 26, 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-23-001 – ST. MARIA GROUP CORP – Site: 12 West Grand Street; Block 64, Lot 29**
 - Commissioner DiLullo made a motion to approve the application and Commissioner Elghari seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on June 26, 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 7:54 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl