



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JULY 17, 2023

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, July 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, Vice-Chairman DiLullo, Secretary Lombardi, Commissioners Pineiro, DeRos, Sisk-Galvin, McCourt, Contey, Lubach, and Elgarhi. Commissioner Frain was not present.

Also present were Richard Campisano, Esq., Board Counsel, Robert J. Russo, PP, City Engineer, James Clavelli, PP, AICP, 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 June 26, 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.

Item VI:

Z-21-012 – THARWAT KALDS – Site: 18 West 40th Street; BLOCK 105, LOT 27

[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 applicant, gave an overview of the application and asked the Board to accept his exhibits.

Witness #1:

Ayman Sedra, AIA, licensed Architect 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 for a carport in which the applicant seeks a variance for the length of the parking stall size. Mr. Sedra described the proposal as a carport for the existing one-family house. He explained that the proposal is to shrink the staircase from six feet to four feet. Mr. Sedra explained that the parking stall width is ten feet, however, the depth is only 12' 7", where 16' 5" is required. He advised the applicant is requesting an encroachment into the right-of-way of 3' 2". Mr. Sedra explained this would allow the parking space, however, would still provide more than adequate space for the right-of-way.

Board Questions:

Chairperson Adams questioned Mr. Sedra. Chairperson Adams questioned Mr. Russo about the right-of-way. Vice-chairman DiLullo and Commissioner DeRos questioned Mr. Sedra.

Audience questions:

Albert Rinaldi, owner of 17 West 41st Street, questioned Mr. Sedra.

Statements/Comments from the Audience:

Albert Rinaldi, who resides at 17 West 41st Street, recommended that the Board deny this application as it is not a minor issue.

Closing Statement from Attorney:

Mr. Weeks addressed Mr. Rinaldi's statements, summed up the application and requested the Board vote favorably upon this application.

Closed Caucus:

Chairman Adams opined that this Board is not an enforcement mechanism for zoning violations and advised that each application stands on its own merit and facts. He doesn't blame the applicant for coming forth with this application and balances the neighbor's concerns about coming in to the right-of-way. He feels that with the extra five feet of right-of-way and the fact that the staircase next door encroaches just about as much, he would probably be in favor of approving this application. Vice-chairman DiLullo would appreciate if the porch could be raised but appreciates that the applicant is going to be using pervious pavers. The other Commissioners agreed with the Chairman and would be voting in favor of this application.

Motion:

Vice-chairman DiLullo made a motion to approve the application subject to any and all conditions spread across the record including the barrier. Commissioner Pineiro seconded the motion.

The following vote to approve the application was taken at the hearing on July 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-21-013 – THARWAT KALDS – Site: 23 West 40th Street; BLOCK 101, LOT 13

[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 applicant, gave an overview of the application and asked the Board to accept his exhibits.

Witness #1:

Ayman Sedra, AIA, licensed Architect in the State of New Jersey, was recognized as an expert by the Board and sworn in to provide testimony. He testified that this application is feasible to remove the right side of the front porch in order to create a carport. Mr. Sedra also advised that pervious pavers will be used, and a flower box and grass will be added. The encroachment would be 4' 2.5", leaving over 11' 4.5" of the sidewalk left.

Board Questions:

Vice-chairperson DiLullo questioned Mr. Sedra. Mr. Russo made comment.

Audience questions:

There were no questions from the audience.

Statements/Comments from the Audience:

Albert Rinaldi, 17 West 41st Street, made comment that he was surprised that the applicant did not have a professional Planner's testimony.

Closing Statement from Attorney:

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

Closed Caucus:

Chairman Adams discussed the streetscape and opined that preventing this application from going forward would significantly impact the neighborhood and would not be voting in favor the application. The fellow Commissioners concurred with the Chairman and Vice-chairman.

Motion:

Vice-chairman 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 July 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: Adoption of Resolutions:

- **Z-22-011 – 990 BROADWAY PROPERTIES, LLC – Site: 990 Broadway; Block 66, Lot 52**
 - Vice-chairman DiLullo made a motion to dismiss without prejudice
Commissioner DeRos seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on July 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]

- **Z-22-014 – IGLESIA REHOBOTH NJ JESUCRISTO ES LA REPUESTA, INC. – Site: 416 Avenue C; Block 231, Lot 55**

- Vice-chairman DiLullo made a motion to dismiss without prejudice
Commissioner DeRos seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on July 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]

- **Z-23-002 – ALI QURESHI – Site: 10 Elm Court; Block 473.02, Lot 10**

- Vice-chairman DiLullo made a motion to dismiss without prejudice
Commissioner DeRos seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on July 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 IX: Executive Session:

As needed to discuss litigation, personnel or other matters.

The meeting adjourned at 6:55 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl