



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
SEPTEMBER 18, 2023

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, September 18, 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 Lombari called the roll. Present at the meeting were Chairman Adams, Vice-Chairman DiLullo, Secretary Lombari, Commissioners Pineiro, DeRos, and Elgarhi. Commissioners Sisk-Galvin, McCourt, Contey, Lubach, and Frain were not present.

Also present were Richard Campisano, Esq., Board Counsel, Darren Mazzei, PE, consulting 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 July 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.

Communications:

- Correspondence dated September 12, 2023 from Commissioner Joseph McCourt resigning from the Board
- Z-22-009 – LANDMARK PROPERTIES NJ, LLC – Site: 482 Kennedy Boulevard in City Block 230, Lot 45 with a motion to dismiss for lack of prosecution.
 - Commissioner DiLullo made the motion to dismiss this application without prejudice and Commissioner Elgarhi seconded the motion. A unanimous vote followed.
- Correspondence dated September 18, 2023 from Christopher Vitale, Esq. requesting that Application Z-23-006 – TEMPLE BETH AM – Site: 105-119 Avenue B in City Block 91, Lot 11 be carried until the next regular meeting which is to be held on October 16, 2023 with no further notice on the part of the applicant.
 - Commissioner DiLullo made the motion to dismiss this application without prejudice and Commissioner DeRos seconded the motion. A unanimous vote followed.

Item VII:

Z-22-013 – MICHAEL ALVAREZ – Site: 215 Prospect Avenue; BLOCK 421, LOT 18

[The applicant is proposing to convert the ground floor of this condo from a deli to a single (3) three-bedroom residential unit.]

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

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 3,000 square foot lot located in the R-2 zone occupied by a mixed-use condominium building, formerly occupied by Walter's Deli. Mr. Kawalek advised that the current owner requires side yard setbacks, use and

parking variances to convert the ground floor open space to a residential use. He testified to the property and façade improvements for the proposed three-family dwelling.

Board Questions:

Chairperson Adams and Mr. Clavelli questioned Mr. Kawalek. Commissioners DiLullo and DeRos questioned Mr. Kawalek.

Audience questions:

There were no questions from the audience.

Statements/Comments from the Audience:

There were no questions 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 heard this evening is a good fix to a situation at this location and feels this application can be approved and his fellow Commissioners concurred. He advised that the applicant should take steps for a licensing agreement with the City. Commissioner DiLullo requested the aesthetics be made part of the conditions of approval.

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 September 18, 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]	[]
Edward Lubach, Jr.	[]	[]	[]	[]	[X]	[]
Thomas Frain	[]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]

Item IX:

Z-23-008 – ANTHONY CANTALE TESTAMENTARY TRUST – Site: 428

Kennedy Boulevard in City Block 245, Lot 51 *[The applicant is seeking a Certificate of Non-Conformity from the Board pursuant to the MLUL, to allow for the continued use of the property as one commercial unit on the first floor and two residential units on the second floor.]*

Peter Cecinini, Esq., attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits. Mr. Cecinini advised that the building was constructed in 1990 with a use as two residential units and one commercial unit.

Witness #1:

Anthony Cantale testified that the building belonged to his uncle and Mr. Cantale is one of the Trustees. He advised that his uncle bought the building in 1985 and he worked as a laborer to gut this building and took some years to complete the renovations in 1990. He stated that his uncle rented the two residential units and used the commercial space for his masonry business. He will use the commercial space for storage of a contractor.

Board Questions:

Chairperson Adams and Commissioner DiLullo questioned Mr. Cantale.

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 testified that some evidence was found to the date of the renovations that led back to 1990 and 1988; e.g. boiler inspection stickers, gas pipe labels, and one boiler inspection sticker serving the upstairs residential units.

Board Questions:

There were no questions from the Board.

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 the contractor's storage area which was rented out up until two years ago and feels this application can be given the Certificate of Nonconformity and his fellow Commissioners concurred.

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 September 18, 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]	[]
Edward Lubach, Jr.	[]	[]	[]	[]	[X]	[]
Thomas Frain	[]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]

Adoption of Resolutions:

- **Z-21-012 – THARWAT KALDS – Site: 18 West 40th Street; Block 105, Lot 27**
 - Commissioner DiLullo made a motion to adopt the resolution and Commissioner DeRos seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on September 18, 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]	[]
Edward Lubach, Jr.	[]	[]	[]	[]	[X]	[]
Thomas Frain	[]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]

- **Z-21-013 – THARWAT KALDS – Site: 23 West 40th Street; Block 101, Lot 13**

- Commissioner DiLullo made a motion to adopt the resolution and Commissioner DeRos seconded the motion

The following vote to memorialize the resolution was taken at the hearing on September 18, 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]	[]
Edward Lubach, Jr.	[]	[]	[]	[]	[X]	[]
Thomas Frain	[]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]

- **Z-22-009 – LANDMARK PROPERTIES – Site: 482 Kennedy Boulevard; Block 230, Lot 45**

- Commissioner DiLullo made a motion to adopt the resolution and Commissioner DeRos seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on September 18, 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]	[]
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 6:48 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl