



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
NOVEMBER 20, 2023

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, November 20, 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 Vice-Chairman DiLullo, Secretary Lombardi, Commissioners Pineiro, Elgarhi, DeRos, Sisk-Galvin and Garvey. Chairman Adams, Commissioner Contey, Frain, and Lubach were 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:

Vice-chairman DiLullo called for the adoption of the minutes from the October 16, 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.

Item VI:

Z-23-011 – USNJREINVESTORS, LLC – Site: 482 Kennedy Boulevard; BLOCK 230, LOT 45 [THE APPLICANT IS PROPOSING TO CONSTRUCT A TWO-FAMILY HOUSE WITH PARKING BUT VARIANCES ARE REQUIRED FOR STORIES, LOT WIDTH, LOT DEPTH AND LOT AREA.]

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

Witness #1:

Alan Feld, Architect, licensed in the State of New Jersey, was sworn in and recognized as an expert. He described the existing lot having dimensions of 25 x 95 feet where there was previously a house prior to a fire. Mr. Feld advised that the applicant's intention is to build a new two-family house with two parking spaces in the front of the house and one space within the garage.

Board Questions:

Vice-chairman DiLullo questioned Mr. Feld. Mr. Clavelli questioned Mr. DiLullo.

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:

Vice-chairman DiLullo stated that this application is pretty straight forward and he will be in favor of this application. His fellow Commissioners concurred.

Motion:

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

The following vote to approve the application was taken at the hearing on November 20, 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]	[]	[]	[]	[]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]

Item VI:

Z-23-003 – 393 AVENUE C, LLC – Site: 393 Avenue C; BLOCK 238, LOT 45 [THE APPLICANT IS SEEKING A USE VARIANCE FOR THIS PRE-EXISTING NON-CONFORMING MIXED-USE BUILDING LOCATED IN THE R-3 ZONE TO HAVE A DENTAL PRACTICE ON THE GROUND FLOOR AND VARIANCES FOR PARKING AND LANDSCAPE BUFFER ARE BEING SOUGHT.]

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

Witness #1:

Alan Feld, Architect, licensed in the State of New Jersey, was sworn in and recognized as an expert. He described the existing building, the proposed use of the ground floor for a dental office and the proposed parking. Mr. Cecinini submitted Exhibit A-20 - Site Photo Including Signage. Mr. Feld described the proposed project and advised that the concept is typical for that

area except that the curb cut will be eighteen feet in order for the vehicles to have the proper turning radius. Mr. Feld discussed sound proofing and it was made stipulated to be made a condition of approval.

Board Questions:

Vice-chairman DiLullo, Mr. Clavelli, Commissioner DeRos, and Commissioner Lombardi questioned Mr. Feld.

**A short break taken at 6:35 until 6:41. The Commissioners never left the dais, therefore, Mr. Campisano advised that a roll call was not necessary.

Audience Questions:

Mateusz Gieldowski, spoke on his father's behalf. His father resides at 389 Avenue C and he questioned Mr. Feld.

Witness #2:

Dr. Gagandeep Sandha, Owner of the Dental Practice, spoke to the demand for a dental office at this location since many professionals are retiring or soon to retire. Mr. Sandha described this as a family dental practice including braces. He advised that there would not be more than four employees even after they are more established in the next five to ten years.

Board Questions:

Mr. Clavelli questioned Dr. Sandha.

Audience Questions:

Mateusz Gieldowski questioned Dr. Sandha.

Comments/Statements:

Mateusz Gieldowski spoke against this application and feels this use will create more traffic than a residential use.

Closing Statement from Attorney:

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

Closed Caucus:

Vice-chairman DiLullo stated that this application is a good use for this space in comparison to the previous commercial use but would like the City professionals to work out the pervious coverage requirement. His fellow Commissioners concurred.

Motion:

Commissioner DeRos 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 November 20, 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]	[]
Edward Lubach, Jr.	[]	[]	[]	[]	[X]	[]
Thomas Frain	[]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]

Adoption of Resolutions:

- **Z-23-004 – 161 BROADWAY, LLC – Site: 161 Broadway; Block 330, Lot 12**
 - Commissioner DiLullo made a motion to approve the resolution and Commissioner Pineiro seconded the motion.

The following vote to approve the application was taken at the hearing on November 20, 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]	[]	[]	[]	[]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]

- **Z-23-006 - TEMPLE BETH AM – Site: 105 – 119 Avenue B in City Block 91, Lot 11**
 - Commissioner DiLullo made a motion to approve the resolution and Commissioner Pineiro seconded the motion

The following vote to approve the application was taken at the hearing on November 20, 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]	[]	[]	[]	[]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]

- **Z-23-014 – HENRY BUDNY – Site: 14 Prospect Avenue in City Block 460, Lot 16**

- Vice-chairman DiLullo made a motion to approve the application and Commissioner Garvey seconded the motion.

The following vote to approve the application was taken at the hearing on November 20, 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]	[]	[]	[]	[]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]

Item VIII: Executive Session:

As needed to discuss litigation, personnel or other matters.

The meeting adjourned at 7:15 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl