



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JANUARY 22, 2024**

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, January 22, 2024, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:04 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, Sisk-Galvin, Elgarhi, Lubach, and Garvey. Commissioners 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.

Adoption of Minutes:

Secretary Lombari called for the adoption of the minutes from the December 18, 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:

- Letter dated December 19, 2023 from Paul Weeks, Esq. with regard to JAGZULA, LLC – Site: 484-486 Avenue C; Block 210, Lot 46 requesting an extension until April 15, 2024 **(Z-18-011)**

- Commissioner DiLullo made the motion to approve the extension until April 15, 2024. Commissioner Elgarhi seconded the motion. A unanimous vote of eligible Commissioners followed.
- **REVIEW OF THE ANNUAL REPORT ON ZONING BOARD OF ADJUSTMENT APPLICATIONS FOR CALENDAR YEAR 2023 TO FORWARD TO THE PLANNING BOARD**
 - Commissioner DiLullo made a motion to adopt the resolution and Commissioner Pineiro seconded the motion.

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 VII:

Z-23-019 – HUDSON PROPERTY HOLDINGS, LLP – Site: 40 East 5th Street; Block 342, Lot 18 [The applicant seeks to construct a two-family home on this presently vacant lot measuring 25 x 103.72; bulk variances sought for lot frontage, lot area, parking stall size and number of stories.]

Peter Cecinini, Esq., attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits. He explained the variances being requested for this project located in the R-2 Zone which was damaged by a fire.

Witness #1:

Jennifer Palermo, an Architect licensed in the State of New Jersey, was sworn in and accepted by the Board as an expert witness. She discussed the site plan for the proposed three-story, two-family home.

Ms. Palermo explained the proposed project in great detail including the façade, ingress and egress as well as storage of trash under the stoop.

Board Questions:

Chairman Adams, Elgarhi, DeRos, DiLullo, and Pineiro questioned Ms. Palermo. Mr. Russo made a comment to Ms. Palermo and Mr. Clavelli questioned Ms. Palermo.

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.

Statements/Comments:

There were no comments from the audience.

Closed Caucus:

Chairman Adams stated that he feels this proposal fits well into the neighborhood and would be voting in favor of it. His fellow Commissioners concurred.

Motion:

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

The following vote to approve the application was taken at the hearing on January 22, 2024:

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:

Z-23-020 – JOEL FELLER – Site: 68-70 East 5th Street; Block 343, Lot 17 [The applicant is seeking a Certificate of Non-Conformity from the Board pursuant to the MLUL as a three-unit residential dwelling.]

Paul Kapish, Esq., attorney for applicant, gave an overview of the application and asked the Board to accept his exhibits. He advised that his client purchased this property in 1980 and has multiple exhibits which prove that his client purchased this property as a three-unit and has kept it as that use since then.

Board Questions:

Commissioner DeRos questioned Mr. Kapish. Mr. Clavelli made comment to Mr. Kapish.

Witness #1:

Joel A, Feller, Owner of the property, was sworn in and testified to the utility use of the three apartments.

Audience questions:

There were no questions from the audience.

Closing Statement from Attorney:

Mr. Kapish requested the Board vote favorably upon this application.

Statements/Comments:

There were no comments from the audience.

Closed Caucus:

Chairman Adams opined that Mr. Clavelli aptly put it that the letter of the law is well stipulated in his report, that this should work out with the evidence provided. 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 January 22, 2024:

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]

Adoption of Resolutions:

- **Z-23-010 – 91 EAST 22ND STREET, LLC – Site: 91 East 22nd Street; Block 449, Lot 10**
 - Commissioner DiLullo made a motion to approve the resolution and Commissioner Elgarhi seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on January 22, 2024:

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]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]
Edward Lubach, Jr.	[]	[]	[]	[]	[]	[]
Thomas Frain	[]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]

- **Z-23-012 – CONNOR BRACKEN – Site: 12 Sisson Court; Block 248, Lot 24**

- Commissioner DiLullo made a motion to approve the resolution and Commissioner Lombardi seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on January 22, 2024:

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]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]
Edward Lubach, Jr.	[X]	[]	[]	[]	[]	[]
Thomas Frain	[]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]

- **Z-23-015 – NEIL REYNOLDS – Site: 69 Kennedy Boulevard; Block 346, Lot 17**

- Commissioner DiLullo made a motion to approve the resolution and Commissioner Elgarhi seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on January 22, 2024:

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]	[]
Ian Garvey	[X]	[]	[]	[]	[]	[]
Edward Lubach, Jr.	[]	[]	[]	[]	[]	[]
Thomas Frain	[X]	[]	[]	[]	[X]	[]
Islam Elgarhi	[X]	[]	[]	[]	[]	[]

- **RESOLUTION ADOPTING THE ANNUAL REPORT ON ZONING BOARD OF ADJUSTMENT APPLICATIONS FOR CALENDAR YEAR 2023**

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

The following vote to memorialize the resolution was taken at the hearing on January 22, 2024:

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]	[]
Ian Garvey	[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 6:35 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl