



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
FEBRUARY 12, 2024**

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, February 12, 2024, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Adams called the meeting to order at 6:03 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.

Mr. Campisano called the roll. Present at the meeting were Chairman Adams, Vice-Chairman DiLullo, Commissioners Pineiro, DeRos, Frain, Lubach, Elgarhi, and Garvey. Secretary Lombardi, Commissioners Sisk-Galvin and Contey were not present.

Also present were Richard Campisano, Esq., Board Counsel, Robert J. Russo, PP, City Engineer, Donna Miller, AICP, PP, CFM consulting City Planner, and Alicia Losonczy, Zoning Board of Adjustment Administrator.

Adoption of Minutes:

Mr. Campisano called for the adoption of the minutes from the January 22, 2024 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. - Information Session:

This presentation was carried to the next meeting to be held on March 18, 2024.

Item VII:

Z-23-021 – KELLIE DUGAN – Site: 38 East 5th Street; Block 342, Lot 19 [The applicant is seeking bulk variance relief for lot area, lot frontage, side yard setback, building height and number of stories to allow the construction of a new two-family home destroyed by fire.]

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

Witness #1:

Steve Kawalek, Architect/Planner licensed in the state of New Jersey, was sworn in and testified to the proposal with this application. He advised that the applicant is replacing their home on this parcel that was previously demolished after experiencing a fire. Mr. Kawalek explained the variances being requested and reasons why the applicant is requesting them. He does not feel the current proposal would be out of character with the neighborhood. Mr. Kawalek feels the benefits outweigh the detriments and that this application is in compliance with the goals and intent of the Master Plan.

Board Questions:

Chairman Adams questioned Mr. Kawalek and Donna Miller of Clarke Caton Hintz. Commissioners DiLullo and DeRos questioned Mr. Kawalek.

Audience questions:

There were no questions from the audience.

Statements/Comments:

Charles Forker, 135 Lexington Avenue, spoke in objection to the height of this proposal.

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 was reluctant to allow this application move forward due to the height, however, due to the explanation and testimony provided, he finds that this application can be approved as submitted as it will not negatively impact the zone plan or the neighborhood. He will be voting to approve the application and his fellow Commissioners concurred. Vice-chairperson DiLullo advised that he would be in favor of this application if it were to be lowered. Commissioner DeRos opined that he is in favor of this application and appreciates the parking. Commissioner Pineiro had reservations about the height of the building but after hearing the testimony is in favor of this application. The remainder of the Commissioners opined that they would allow this application to be approved.

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 February 12, 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]	[]	[]	[]	[]	[]

Adoption of Resolutions:

- **Z-23-019 – HUDSON PROPERTY HOLDINGS, LLP – Site: 40 East 5th Street; Block 342, Lot 18**
 - Commissioner DiLullo made a motion to approve the resolution and Commissioner Pineiro seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on February 12, 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-23-020 – JOEL FELLER – Site: 68-70 East 5th Street; Block 343, Lot 17**
 - Commissioner DiLullo made a motion to approve the resolution and Commissioner DeRos seconded the motion.

The following vote to memorialize the resolution was taken at the hearing on February 12, 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 6:43 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl