



ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
OCTOBER 21, 2024

A regular in-person meeting of the Zoning Board of Adjustment was held on Monday, October 21, 2024, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Vice-Chairman DiLullo called the meeting to order at 6:05 p.m. and led all in the Pledge of Allegiance to the Flag. Vice-Chairman DiLullo declared a quorum and advised that the Board has complied with the Open Public Meetings Act/Sunshine Law.

Commissioner Lombari called the roll. Present at the meeting were Vice-Chairman DiLullo, Secretary Lombari, Commissioners Pineiro, DeRos, Sisk-Galvin, and Garvey. Commissioners Contey, Elgarhi, Frain, and Lubach 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:

Commissioner Lombari called for the adoption of the minutes from the September 16, 2024 regular meeting. Commissioner Lombari made the motion to adopt the minutes and Commissioner Pineiro seconded the motion. A unanimous vote of eligible members followed.

Communications:

- **Z-22-015** Letter dated October 15, 2024 from Paul Weeks, Esq. with regard to KAMAL GIRGIS – Site: 46 West 21st Street; Block 216, Lot 32 with regard to the litigation
- **Z-24-007** Letter dated October 21, 2024 from Paul Weeks, Esq. with regard to WILLIAM CABAN – Site: 67 West 18th Street; Block 224, Lot 17 requesting the matter be carried without further notice on the part of the applicant
 - Commissioner DeRos made the motion to carry the matter to the December 16, 2024 and Commissioner Pineiro seconded the motion. A unanimous vote of eligible Commissioners followed.

Item VI. – Public Hearing:

Z-23-016 – LOVELY HOMES, LLC - Site: 78 West 52nd Street; Block 44, Lot 35.01

[The applicant seeks to perfect prior approval of application P-07-010 to construct a two-family home on this lot measuring 25 x 100; bulk variances are sought for rear yard setback, lot width, lot area and number of stories.]

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

Witness #1:

Frederick Cooke, Architect, was sworn in and testified with regard to the application. He testified to the currently vacant lot and the proposal before the Board today. Mr. Cooke explained the project. He spoke to the professionals' reports and advised that the trash will be placed in the side yard areas and spoke to the lighting concept.

Board Questions:

Vice-Chairperson DiLullo, Commissioner DeRos and Mr. Russo questioned Mr. Cooke.

Audience questions:

There were no questions from the audience.

Witness #2:

Mallory Clark, PP, was sworn in and accepted as an expert witness by the Board. She testified to the variance relief being requested for this application. She discussed the positive and negative criteria and opined that the benefits substantially outweighs the detriments. Ms. Clark provided testimony about the project and that this project is in line with the streetscape presently in the neighborhood. She discussed the positive criteria of the proposal and opined that this project would provide a more desirable product to the neighborhood as well as advance the goals of the Master Plan.

Board Questions:

Vice-Chairperson DiLullo questioned Ms. Clark. She responded about the rear protrusion for the kitchen on the second floor that it enriches the rear of the property and creates more navigability and more friendly for someone aging in-place. Mr. Cook was also brought back to the podium to speak to the architecture support for this protrusion. Commissioners DeRos and Pineiro questioned Ms. Clark. Mr. Clavelli questioned Ms. Clark.

At 6:33, the attorney and expert stepped out of the room and conferred off-the-record. They returned at 6:34.

Audience questions:

There were no questions from the audience.

Statements/Comments:

There were no comments 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 he felt this is an interesting project and a good 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 Lombardi seconded the motion.

The following vote to approve the application was taken at the hearing on September 16, 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>
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 VII. – Public Hearing:

Z-23-017 – LOVELY HOMES, LLC - Site: 80 West 52nd Street; Block 44, Lot 35.02

[The applicant seeks to perfect prior approval of application P-07-010 to construct a two-family home on this lot measuring 25 x 100; bulk variances are sought for rear yard setback, lot width, lot area and number of stories.]

Peter Cecinini, Esq., attorney for applicant, advised that the testimony for next two applications would be identical.

Witness #1:

Frederick Cooke, Architect, affirmed that this plan is identical to the first project proposed.

Board Questions:

There were no questions from the Board.

Audience questions:

There were no questions from the audience.

Witness #2:

Carolyn Worstell, Professional Planner from Dresdner Robin, advised that for the purpose of the record, the same proofs and criteria stand as for the previous application. She affirmed that the layout is the same, just a mirrored or flipped image for all three applications.

Board Questions:

There were no questions from the Board.

Audience questions:

There were no questions from the audience.

Statements/Comments:

There were no comments from the audience.

Closing Statement from Attorney:

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

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 October 16, 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>
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. – Public Hearing:

Z-23-018 – LOVELY HOMES, LLC - Site: 82 West 52nd Street; Block 44, Lot 35.03

[The applicant seeks to perfect prior approval of application P-07-010 to construct a two-family home on this lot measuring 25 x 100; bulk variances are sought for rear yard setback, lot width, lot area and number of stories.]

Peter Cecinini, Esq., attorney for applicant, gave an overview of the application as being identical to the previous application..

Witness #1:

Frederick Cooke, Architect, affirmed that this plan is identical to the others.

Board Questions:

There were no questions from the Board.

Audience questions:

There were no questions from the audience.

Witness #2:

Carolyn Worstell, Professional Planner, again advised the same testimony stands as for the previous application.

Board Questions:

There were no questions from the Board.

Audience questions:

There were no questions from the audience.

Statements/Comments:

There were no comments from the audience.

Closing Statement from Attorney:

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

Closed Caucus:

Acting-Chairman DiLullo stated that he felt this is a good application for all three presentations and would be voting in favor of this application.

Motion:

Acting-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 October 21, 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>
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]	[]

****A short break was taken at 6:44. The meeting reconvened at 6:50 and a roll call was taken.***

Item IX. – Public Hearing:

Z-24-008 – RANDY JOSKOWITZ, JENNIFER JOSKOWITZ, SCOT JOSKOWITZ, AND JODI B. JOSKOWITZ - Site: 27 East 3rd Street; Block 356, Lot 6 [The applicant is seeking a Certificate of Non-Conformity from the Board pursuant to the MLUL as a three-unit residential dwelling.]

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

Witness #1:

Scot Joskowitz explained that he is the partial owner of the property with his brother, his wife and his brother's wife since February 2016. He testified that it was always a three-family dwelling since the time of purchase. He reviewed an email, that was entered as additional Exhibit A-18, as being received from the Department of Community Affairs.

Board Questions:

Vice-Chairman DiLullo and DeRos questioned Mr. Joskowitz.

Audience questions:

There were no questions from the audience.

Witness #2:

Maureen Coleman, aunt of Randy and Jennifer Joskowitz, was sworn in and advised that her family purchased the property in 1997. She advised that her mother lived in the second floor unit. Ms. Coleman advised that she visited the property at least weekly and that there were always three units and those three units were always occupied.

Board Questions:

Vice-Chairperson DiLullo questioned Ms. Coleman.

Audience questions:

There were no questions from the audience.

Witness #3:

Jacqueline Cleary was sworn in and advised that her grandmother lived on the second floor and her aunt lived on the third floor. She testified that she is personally aware that the layout from the 1970's was the same as it is today.

Board Questions:

Vice-Chairperson DiLullo questioned Ms. Cleary.

Audience questions:

There were no questions from the audience.

Witness #4:

Steven Kawalek, Architect and Professional Planner, was sworn in and advised that his impression of the fixtures, cast-iron radiators, stairs and other styles in the house are consistent with pre-World War II styles. He discussed the layout of the walls, the plaster, and the trim appearing as if they are pre-World War II styles.

Board Questions:

Vice-Chairpersons DiLullo and DeRos questioned Mr. Kawalek.

Audience questions:

There were no questions from the audience.

Closing Statement from Attorney:

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

Closed Caucus:

Acting-Chairman DiLullo stated he felt the evidence appears to place this three-family in existence and will be voting in favor of this application. His fellow Commissioners agreed.

Motion:

Commissioner Lombari 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 October 21, 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>
Nicholas DiLullo	[X]	[]	[]	[]	[]	[]
Louis Lombari	[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]	[]

The meeting adjourned at 8:07 pm. Certified Shorthand Reporter Susan Bischoff, of 449 Columbia Boulevard, Wood-Ridge, NJ 07075, took a transcript of the meeting.

/akl