

August 1, 2018

Mr. Timothy Cunningham, Director  
Division of Local Government Services  
101 S. Broad Street  
P.O. Box 803  
Trenton, NJ 08625  
ATTN: Local Finance Board

**RE: Ethics Complaint Against Hoboken City Councilman Michael DeFusco**

Please accept this as a formal Ethics Complaint against Hoboken City Councilman Michael DeFusco for violations of the Local Government Ethics Law ("LGEL"), specifically N.J.S.A. 40A:9-22.5 (a), (c), (f), and (i). Pursuant to the LGEL, the Local Finance Board has jurisdiction to review and investigate such Complaints.

Preliminarily, N.J.S.A. 40A:9-22.5(a) provides that "No local government officer . . . shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest."

N.J.S.A. 40A:9-22.5(c) provides that "No local government officer . . . shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others."

N.J.S.A. 40A:9-22.5(f) provides that "No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties."

N.J.S.A. 40A:9-22.5(i) provides that "No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group."

On March 29, 2018, Michael Ranuro, a Hoboken **property owner and developer**, submitted a Contribution Disclosure Statement to the City of Hoboken Planning & Zoning Board of Adjust in connection with his request for a variance allowing him to extend lot coverage beyond the permissible 60% allowed by Municipal Code [Exhibit A]. Mr. Ranuro represented in his application for a variance that the increased lot coverage would be used for the **installation of stairs as part of the fire escape**. Id. at 4. According to the Contribution Disclosure Statement, Mr. Ranuro contributed \$300 on November 8, 2017 to the "Mike DeFusco for Mayor" account and \$900 on the same date to the "Team DeFusco" account. Id. at 3.

At the July 11, 2018 meeting of the Hoboken City Council, the Council voted on second reading to approve ordinance B-40 ("An Ordinance to Amend and Supplement Chapter 196 of the Code of the City of Hoboken

Entitled 'Zoning' at § 196-6 'Definitions' and § 196-24 'Yard Regulations'.") Ordinance B-20 was sponsored by Councilman DeFusco. Ordinance B-40 would, in short, **allow property owners and developers to expand lot coverage beyond the 60% for the purpose of installing stairs as part of a fire escape.**

By virtue of Councilman DeFusco's B-40 Ordinance, the need for Mr. Ranuro's application for a variance was obviated because he would, as a matter of right, be allowed to extend lot coverage to accommodate the installation of stairs.

Further, it is clear that Mr. Ranuro was aware of the B-40 and the impact it would have on his property because during the August 1, 2018 public meeting of the Hoboken City Council, which is broadcast live on Facebook, Steven Ranuro, a relative of Michael Ranuro, and co-applicant for the variance, commented on the Facebook live stream of the Council meeting the following: "Has anyone heard anything about B-40." [Exhibit B].

That Mr. Ranuro contributed a total of \$1200 to Councilman DeFusco's campaign accounts on November 8, 2017 and submitted an application for zoning variance shortly thereafter, coupled with Councilman DeFusco introducing an ordinance which would give Mr. Ranuro precisely what he sought in his application suggests collusion between the Councilman and Mr. Ranuro in violation of N.J.S.A. 40A:9-22.5 (a), (c), (f), and (i).

Respectfully,



Michael Donnelly  
1 Independence Court  
Hoboken, NJ 07030

# EXHIBIT A

# CITY OF HOBOKEN

## PLANNING BOARD & BOARD OF ADJUSTMENT

94 Washington Street, Hoboken, NJ 07030



### APPLICATION FOR DEVELOPMENT

**For office use only:**

Date/Time Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Certified Complete: \_\_\_\_\_  Planning Board  Board of Adjustment

**1. PROPERTY INFORMATION:**

Property Address:  Block:  Lots:

Zone District:  Overlay:  Tax Map No:

**Present Use / Description:**

Have there been any previous, known applications involving these premises?  Yes  No

If yes, nature of application, date and determination:

Is there adjacent property in common ownership?  Yes  No If yes, address of property and description of its present use:

Are there any restriction, covenants, easements, association by-laws, existing or proposed on the property?

Yes (copies must be attached to the application)  No  Proposed [describe nature of agreement and status below]

**2. APPLICANT INFORMATION:**

Corporation/LLC  Partnership  Individual

Name:

Address:

City:  State:  Zip:

Phone:  Fax:

E-mail:

Applicant's signature: BigMad, LLC

By:   
Steven Ranuro

**3. OWNER INFORMATION:**

Corporation/LLC  Partnership  Individual

Name:

Address:

City:  State:  Zip:

Phone:  Fax:

E-mail:

Owner's signature: BigMad, LLC

By:   
Steven Ranuro



CITY OF HOBOKEN  
PLANNING & ZONING BOARD OF ADJUSTMENT



CONTRIBUTION DISCLOSURE STATEMENT  
Affidavit

STATE OF NEW JERSEY :  
:  
: ss  
:  
COUNTY OF HUDSON :

Being dully sworn according to law upon his / her / their oath, depose and say:

I, Michael Ranuro \_\_\_\_\_ as

Property Owner     Developer     Re-developer     Professional

making application or providing representation and/or support for an application for certain approvals to the Planning Board, Zoning Board of Adjustment or City Council acting as the Redevelopment Agency for the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.) in regard to a property located at:

Street Address: 318 Madison Street \_\_\_\_\_

Block(s): 48 \_\_\_\_\_ Lot(s): 25 \_\_\_\_\_

do hereby disclose, pursuant to the requirements of municipal ordinance DR-152 (effective September 1, 2004), as amended, the name of the recipient, the date and amount of any contribution, loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible, but not including services provided without compensation by individuals volunteering a port or all of the time on behalf of a candidate, committee or organization, made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. The disclosure below includes all such contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the City.

I further understand that continuing disclosure is required for such contributions made following the filing of the "Contribution Disclosure Statement" and during the pendency of the application and/or approval process and hereby agree that prior to granting of final approval of the subject application, I will amend the disclosure statement if such further contributions are made.

Sworn to and subscribed before me

This 29th day of March, 2018

Michael Ranuro \_\_\_\_\_

*Susan Geier*  
SUSAN GEIER  
ID # 2410833  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 7/28/2021  
Michael Ranuro





ITEM	R-3 Requirement	Proposed Project	Variance
Use	Residential	Residential	No
Use	Retail 2 other uses on block Located on ground floor Max. 1,000 sq.f.t customer service area	Retail 1 other retail on block Ground floor 1,000 or less sq. ft.	No Yes No No
Lot Area	2,000 s.f.	2,500 s.f.	No
Lot Width	20 ft.	25ft.	No
Lot Depth	100 ft.	100 ft.	No
Lot Coverage	60%	56.42% - bldg.. 61.88% - bldg. + stairs	No Yes (c)
Density	2,500 x 60% = 1,500 1,500 x 4 = 6,000 s.f. 852/6,000 = 14.2% 2,500/660 = 3.79 3.79 - 14.2% = 3.25 or 4 du	1 commercial 4 residential units	No

2

Bldg. Height	40 ft. DFE	43.0 ft. DFE	Yes (c)
Front Yard	0 ft.	0 ft.	No
Side Yard	0 ft.	0 ft.	No
Rear Yard	30 ft. or 30%	37.1 ft. to rear stairs	No
Roof Coverage	50% of roof area as green roof; can have roof deck	50.1% green roof provided	No
Deck Setbacks – Front	10 ft.	15.9 ft.	No
Side	3 ft.	3.0 ft./8.9 ft.	No
Rear	3 ft.	13.0 ft.	No

### VARIANCES

Three variances are requested with this application, which include:

A variance for not having two other retail uses on the same block front as per zoning ordinance section 196-33.

A variance for lot coverage, where 60% is allowed and 61.88% is proposed

A variance for building height, where 40 feet DFE is allowed and 43.0 feet DFE is

# EXHIBIT B





Like · Reply · 1d



**Rod Weber** · 47:45 It's usually on Fios in a couple days

Like · Reply · 1d



**Deirdre E Wall** · 36:47 I'm encountering sound issues on this feed and the regular online stream  
<http://hobokennj.iqm2.com/Citizens/SplitView.aspx...>

Like · Reply · 1d



**Sean Iaquinto** · 36:50 Yeah I'm getting feedback

Like · Reply · 1d

↳ 1 Reply



**Mona Messina Pellecchia** · 25:48 Huh what what did you say

Like · Reply · 1d



**Veronica Lane Miskulin** · 20:45 Sound would be good right about now

Like · Reply · 1d



**Steven Ranuro** · 2:40:01 Has anyone heard anything about B-40?

Like · Reply · 1d



**Sean Iaquinto** · 34:55 Is this on FIOS?

Like · Reply · 1d



**Peggy Samuels** · 22:50 I can't hear you!

Like · Reply · 1d



**Lucy Cimillo** · 55:47 Hello

Like · Reply · 1d

# Hoboken

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