

WEINER LAW GROUP^{LLP}

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Parsippany, New Jersey 07054
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MICHAEL MICELI, ESQ.
Member of the Firm
ANNE MARIE RIZZUTO, ESQ.

mmiceli@weiner.law
amrizzuto@weiner.law

May 6, 2021

AMENDMENT/SUPPLEMENT TO APPLICATION REGARDING USE

By Hand-Delivery

Ms. Alicia Losonczy, Board Secretary
City of Bayonne Zoning Board of Adjustment
630 Avenue C
Bayonne, NJ 07002

**Re: Z-20-006 - US Masters Residential Property Fund (USA) (the "Applicant")
Use, Parking and Bulk Variances and Site Plan Approval (the "Application")
126 West 16th Street, Block 244, Lot 26 (the "Property")
Our File No. 23327**

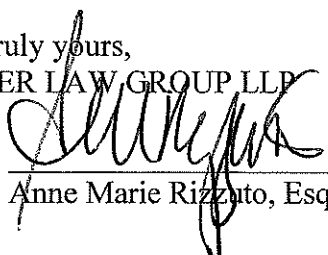
Dear Ms. Losonczy:

This office represents the Applicant with respect to the referenced matter. The matter is pending for a Zoning Board hearing on May 17, 2021. We hereby amend and supplement the Application with City and State records as follows:

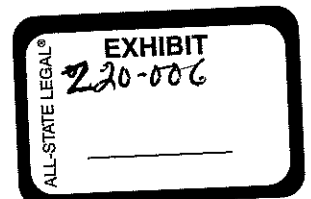
- City Tax Records dated 10-1-1990, 1-7-1991 and 1-19-2017, reflecting three units at the Property;
- City Tax Record dated 9-6-2019 (after revaluation), reflecting the Property as having two residential units;
- Reports of two prior City Zoning Officers dated 1-4-1999 and 5-21-2007, confirming the three-family use;
- Report of prior City Zoning Officer dated June 14, 2018, disputing the use;
- DCA records dated 11-12-1998 and 1-20-2017, labeling the Property as a multiple dwelling building with three units.

Thank you for your attention.

Very truly yours,
WEINER LAW GROUP LLP

By: 
Anne Marie Rizzuto, Esq.

amr
encs.
2022664v2



City Tax Records
4 pages



10-1-1990

TOWNNAME: BAYONNE
 BLOCK: 00244
 LOT: 00026
 QUALIFIER:

OWNERNAME: CRITELLI, JOHN M SR & JOHN
 ADDRESS: 126 W 16TH ST
 BAYONNE, N J
 LOCATION: 126 W 16TH ST

APPRAISAL CO.: REALTY APPRAISAL CO
 REVALDATE: 10-01-90 MAP PAGE 0052
 L 6,800 B 14,000 T 20,800
 SEQ NO. 7666 PROPERTY CLASS 2

RESIDENTIAL DESCRIPTION	HEATING & COOLING	GARAGES, CARPORTS & CANOPYS
RESIDENCE CLASS 46 <input checked="" type="checkbox"/> NO. UNIT 3 NO. STORIES 2.5 NO. ROOMS 15 NO. BEDROOMS 7 AGE 70 ROW/END TOWNHOUSE NO CONDITION NORMAL EFFECTIVE AGE IN YEARS 25 FUNC. OBSOL. % OVER IMPROVED % ECON. OBSOL. % UNDER IMPROVED % REASON FINAL NET CONDITION .51 %	SOURCE: HEAT SYS.: A/C: OIL HOT WATER B.B. NONE HEATING QL AREA RATE Q/F COST COOLING .17 3168 1.19 1.12 4.222 TOTAL HEAT & COOL COSTS 4.222	BSMT. GARAGE QL AREA RATE Q/F COST 17 1 900 1.13 904 ATT. GARAGE CARPORT CANOPY TOTAL GARAGE CARPORT CANOPY COST 904
ROOF TYPE: GABLE PITCH: NORMAL MATERIAL: SHINGLE	PLUMBING NO. RATE Q/F COST 4 FIXTURES 3 FIXTURES 3 855 1.12 2.872 2 FIXTURES 1 FIXTURE TOTAL PLUMBING 2.872 LESS ALLOWANCE NET PLUMBING COST 2.871	OTHER PRINCIPAL STRUCTURES TYPE: NET DET GAR AREA RATE COND. VALUE POOL SHED ATT. GA. TOTAL OTHER STRUCTURES
BASEMENT FOUNDATION TYPE: CON. BLOCK BASEMENT: QL AREA RATE Q/F COST UNFINISHED 46 1152 3.75 1.15 4.968 FINISHED TOTAL BASEMENT COST 4.968	FIREPLACES TYPE: NO. RATE Q/F COST TOTAL FIREPLACE COST	ASSESSMENT SUMMARY TOTAL BASEMENT COST 4.968 TOTAL ADJ. BASE COST 64.822 TOTAL HT & COOL COST 4.222 NET PLUMBING COST TOTAL FIREPLACE COST TOTAL ATTIC/DORMER TOTAL PCH, DK, PATIO 3,017 TOTAL GAR, CPT, CAN. 904 TOTAL B/I APP. COST TOTAL BASE REPLACEMENT 77.983 COST CONVERSION FACTOR 2.61 REPLACEMENT COST NEW 201.405 FINAL NET CONDITION .51 STRUCTURE APPRAISED VALUE 103,736 OTHER PRINCIPAL STR
STRUCTURE STYLE: CONVERSION: EXT. WALL: OLD STYLE NONE ALUM/VINYL. AREA RATE W/F COST GROUND FLOOR 1152 31.57 1.00 36,368 UPPER FLOOR 1152 18.71 1.00 21,553 HALF STORIES 1008 8.31 1.00 8,378 STRUCTURE BASE COST 66,297 ROW/END UNIT FACTOR 1.00 TOTAL BASE COST 66,297	ATTIC/DORMERS ATTIC FINISH: 0 % QL AREA RATE Q/F COST ATTIC TOTAL ATTIC/DORMER COST	TOTAL BLDG. APPRAISED VALUE 103,700 TOTAL LAND VALUE 74,400 TOTAL APPRAISED VALUE 178,100
BASE COST ADJUSTMENTS AREA RATE Q/F COST BRICK FACING(+) 144 8.98 1.14 1,475 STONE FACING(+) UNF. STORIES(-) UNF. 1/2 STORY(-) CONCRETE SLAB(-) CONVERSION TOTAL ADJUSTMENTS -1,475 TOTAL ADJUSTED BASE STRUCTURE COST 64,822	PORCHES, DECKS, PATIOS QL AREA RATE Q/F COST DECK/PATIO OPEN PORCH 17 297 4.05 1.15 1,383 GLAZED PORCH 17 187 7.60 1.15 1,834 ENCLOSED PORCH TOTAL PCH, DK, PATIO, COST 3,017	
	NOTES BATH 0 3 0 KITCHEN 0 3 0	

1-19-2017

TOWNNAME: BAYONNE
 BLOCK: 00244
 LOT: 00026
 QUALIFIER:

OWNERNAME: CRITELLI, JOHN M SR & JOHN
 ADDRESS: 126 W 16TH ST
 BAYONNE, N J
 LOCATION: 126 W 16TH ST

APPRAISAL CD.: REALTY APPRAISAL CO
 REVALDATE: 10-01-90 MAP PAGE: C062
 L 6,800 B 14,000 T 20,800
 SEQ NO. 7666 PROPERTY CLASS 2

RESIDENTIAL DESCRIPTION	HEATING & COOLING	GARAGES, CARPORTS & CANOPIYS
RESIDENCE CLASS 46 * NO. UNIT 3 NO. STORIES 2.5 NO. ROOMS 15 NO. BEDROOMS 7 AGE 70 ROW/END TOWNHOUSE NO CONDITION NORMAL EFFECTIVE AGE IN YEARS 25 FUNC. OBSOL. % OVER IMPROVED % ECON. OBSOL. % UNDER IMPROVED % REASON FINAL NET CONDITION .51 %	SOURCE: HEAT SYS.: A/C: OIL HOT WATER B.B. NONE HEATING QL AREA RATE Q/F COST COOLING .17 3168 1.19 1.12 4,222 TOTAL HEAT & COOL COSTS 4,222	BSMT. GARAGE QL AREA RATE Q/F COST ATT. GARAGE 17 1 800 1.13 904 CARPORT CANOPY TOTAL GARAGE CARPORT CANOPY COST 904
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STRUCTURE STYLE: CONVERSION: EXT. WALL: OLD STYLE NONE ALUM/VINYL. GROUND FLOOR AREA RATE W/F COST 1152 31.57 1.00 36,368 UPPER FLOOR 1152 18.71 1.00 21,553 HALF STORIES 1008 8.31 1.00 8,376 STRUCTURE BASE COST 66,297 ROW/END UNIT FACTOR 1.00 TOTAL BASE COST 66,297	ATTIC/DORMERS ATTIC ATTIC FINISH: 0 % QL AREA RATE Q/F COST TOTAL ATTIC/DORMER COST	TOTAL BLDG. APPRAISED VALUE 103,700 TOTAL LAND VALUE 74,400 TOTAL APPRAISED VALUE 178,100
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	NOTES BATH 0 3 0 KITCHEN 0 3 0	

Bayonne Tax Assessor's Office
 JAN 19 2017
 By *[Signature]*

TAX DEPARTMENT

BAYONNE

09/06/19

US MASTERS RESIDENTIAL PROP ET
140 BROADWAY, 28TH FLOOR
NEW YORK, NY 10005

Account 41240003
Blk 0244 Lot 0026 Qual
Bank

Loc 126 W 16TH ST
2018 Tax 14,547.76 PrpCls 2
2019 Tax 14,843.60 Deduc

Ld/Im/Net 74,400 / 97,600 / 172,000

[9/06/19 PAY DATE]

YR.Q.TYP	-BILLED-	-PAID-	-TAX DUE-	-INTEREST-	BALANCE	TRAN.DATE
18.1.R	3,542.77	3,542.77	0.00	0.00	0.00	1/26/18
18.2.R	3,542.77	3,542.77	0.00	0.00	0.00	4/20/18
18.3.R	3,731.00	3,731.00	0.00	0.00	0.00	8/01/18
18.4.R	3,731.22	3,731.22	0.00	0.00	0.00	10/29/18
19.1.R	3,637.00	3,637.00	0.00	0.00	0.00	1/22/19
19.2.R	3,637.00	3,637.00	0.00	0.00	0.00	4/16/19
19.3.R	3,826.00	3,826.00	0.00	0.00	0.00	8/01/19
19.4.R	3,743.60	0.00	3,743.60	0.00	3,743.60	11/01/19
20.1.R	3,711.00	0.00	3,711.00	0.00	3,711.00	2/01/20
20.2.R	3,711.00	0.00	3,711.00	0.00	3,711.00	5/01/20

- CONTINUED NEXT PAGE -

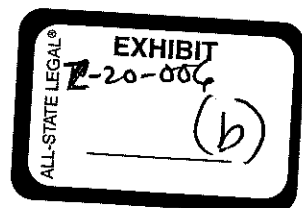
[0.00 0.00 0.00]Cur Due

[All Chgs]

< NO MORTGAGE ON FILE >

[Cont'd Delq: No Since 2018 1 Acum.Prnc.Paid: 0.00]

City Zoning Records



1-4-1999



COMMUNITY DEVELOPMENT
CITY OF BAYONNE

file



Zoning Office
630 Avenue C, Bayonne, New Jersey 07002
Phone: 201-858-6110 Fax: 201-858-1356

Faxed: 973-244-1331
January 4, 1999

Mr. Thomas Benson
Metropolitan Appraisal Services
1140 Bloomfield Avenue
West Caldwell, NJ 07006

Re: 126 West 16 Street
Bayonne, NJ 07002
Block 244, Lot 26

Dear Mr. Benson:

Please be advised the above-mentioned address is in an R-2 Zone which is designated for one- and two-family homes. However, this is a three-family home which is a pre-existing, non-conforming use.

If half of this building should burn, you would be permitted to go to the building department for a permit to build a two-family dwelling; but if you wanted to build a three-family home on this property, you would have to go to the Zoning Board of Adjustment for a variance.

If you have any further questions, please call me at (201) 858-6110.

Very truly yours,

Mark Fraone
Mark Fraone
Zoning Officer

MF/fr

5-21-2007



CITY OF BAYONNE

Zoning Office

630 Avenue C, Bayonne, NJ 07002

Phone (201) 858-6110 Fax (201) 858-6185

Joseph V. Doria, Jr., Mayor



May 21, 2007

Ms. Paula L. Englehart
Liberty One Financial, Inc
13050 Bustleton Avenue
Philadelphia, Pa 19116

Re: Olson
126 West 16th Street
Block 244, Lot 26

Dear Ms. Englehart:

Please be advised that the above-referenced property is located in the R-2 Detached/Attached Residential District which permits one and two-family dwellings.

This three-family dwelling is a preexisting nonconforming use in this district. According to Section 35-16.4© of the City of Bayonne Zoning Regulations, if a preexisting nonconforming use is damaged or destroyed more than fifty (50) percent of the floor area, a use variance by the Board of Adjustment is required to re-build as a three-family dwelling.

Very truly yours,

John G. Zgola
Zoning Officer

/jgz



City of Bayonne

DEPARTMENT OF MUNICIPAL SERVICES

DIVISION OF PLANNING & ZONING

MUNICIPAL BUILDING

630 AVENUE C

BAYONNE, NJ 07002

TELEPHONE: 201-858-6110 Fax: 201-858-6185

E-MAIL: dward@baynj.org



JAMES M. DAVIS
MAYOR

JOSEPH DEMARCO
BUSINESS ADMINISTRATOR

June 14, 2018

Paul N. Weeks, Esq.
1081 Avenue C
Bayonne, NJ 07002

Re: 126 West 16th Street
Block 244, Lot 26

Dear Mr. Weeks:

I am writing in response to your June 11, 2018, email regarding the use of the above-referenced property.

Please be advised that the subject property is located in the R-2 Detached/Attached Residential District which permits detached one- and two-family dwellings. A review of the available records on file with the City of Bayonne indicates that, although this property has a history of being used as a three-family house, it was not registered as a multiple dwelling prior to May 23, 1995, the date upon which the zoning changed no longer permitting more than two dwelling units in the R-2 District. Therefore, the use of this property cannot be deemed a pre-existing, nonconforming three-family dwelling by this office.

Additionally, a Certificate of Continued Occupancy (CCO) inspection was done by Inspector Gary Parlatti on January 12, 2017. The CCO inspection failed. It was noted at that time that the stove had been removed from the third dwelling unit and there were no working smoke detectors at the property. The Fire Prevention Bureau provided a copy of a Certification in Lieu of Affidavit to me that had been signed by a tenant who represented that she was responsible for the property. The certification stated that the premises would contain no more than two dwelling units.

In order to be permitted to use this property as a three-family dwelling, your client will have to either obtain a certificate of nonconformity from the Zoning Board of Adjustment by proving to the Board that this property has continually been used as a three-family dwelling since a time prior to May 23, 1995; or obtain a use variance as well as major site plan review and approval from the Zoning Board. Upon review of a complete application and plans by the Board's professionals, it may be determined that additional relief is required. Should you wish to submit an application to the Board, please contact Lillian Glazewski, Land Use Administrator at 201-858-6182.

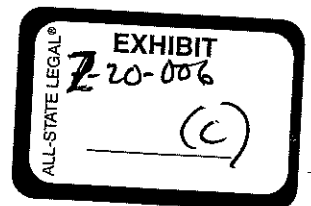
Very truly yours,

Donna M. Ward
Zoning Officer

/dmw

cc: Lillian Glazewski, Land Use Administrator

State DCA records
2 pages



05/05/1999:



STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
CERTIFICATE OF REGISTRATION

BHI - 4a
8/29/95

11-12-1998

BUILDING NUMBER: 0901-29126-001

BUILDING USE - MULTIPLE DWELLING OWNERSHIP - PRIVATE/INDIVIDUAL
NUMBER OF APARTMENTS - 3 STORIES - 3
ROOMING UNITS - 0 YEAR CONSTRUCTED -
TOTAL - 3
CONSTRUCTION - FRAME

DATE OF TRANSFER OF OWNERSHIP (CLOSING DATE) - 11/17/1988
TAXES PAID TO: MUNICIPALITY BAYONNE CITY COUNTY - HUDSON

OWNER BUILDING BLOCK - 1 LOT - 1
CRITELLE, JOHN 465 W. 49TH ST. APT. 1B NEW YORK NY 10019
126 W. 16TH ST. BAYONNE NJ 07002

IN-COUNTY AGENT MANAGER
JOHN CRITELLE 126 W. 16TH ST BAYONNE NJ 07002

MORTGAGEE NET LESSEE
FLEET MFG GROUP PO BOX 3139 MILWAUKEE WI 53203-3139

JANITOR OR SUPERINTENDENT INDIVIDUAL FOR EMERGENCY AUTHORIZATIONS
CAROLE PORTAS 126 W. 16TH ST BAYONNE NJ 07002
PHONE NUMBER: 201-858-0256

CORPORATE OFFICERS OR GENERAL PARTNERS

REGISTERED AGENT (CORPORATIONS ONLY) FUEL OIL SUPPLIER

THE LAW REQUIRES THAT THIS CERTIFICATE OF REGISTRATION BE POSTED IN A CONSPICUOUS LOCATION IN THE REGISTERED PREMISES ALONG WITH THE NAME AND ADDRESS OF THE BUILDING MANAGER. THIS CERTIFICATE IS NOT TRANSFERRABLE. IN THE CASE OF ANY TRANSFER OF TITLE, IT SHALL BE THE DUTY OF THE NEW OWNER(S) TO FILE WITH THE COMMISSIONER WITHIN 20 DAYS OF SUCH TRANSFER AN APPLICATION FOR A NEW CERTIFICATE OF REGISTRATION. IN THE CASE OF ANY CHANGE IN THE AGENT FOR SERVICE OF PROCESS OR BUILDING MANAGER, IT SHALL BE THE DUTY OF THE OWNER TO NOTIFY THE DEPARTMENT OF COMMUNITY AFFAIRS WITHIN 30 DAYS OF SUCH CHANGE. FAILURE TO COMPLY WITH THESE REQUIREMENTS CONSTITUTES A VIOLATION OF P.L. 1967, C. 76 OF THE LAWS OF NEW JERSEY AND SUBJECTS THE PARTY SO VIOLATING TO THE PENALTIES THEREIN.

DATE FEE RECEIVED: 11/12/1998

JANE KENNY

Commissioner of Community Affairs by:

Curtis F. Watts

Curtis F. Watts, Chief
Bureau of Housing Inspection

OWNER COPY

1-20-2017

0001/001

01/20/2017 FRI 14:03 FAX



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 810
TRENTON, NJ 08625-0810

CHARLES CHRISTIE GOVERNOR
KIM GUADAGNO
I.E. GOVERNOR

1/20/2017

Charles A. Richmond
Commissioner

Attn: A. V. Macstrey, Esq.

Fax: (732) 288-2957

Re: DCA v. Seals & Olsen
Judgment No: DJ-145023-12 / DJ-062517-10 / DJ-1200754-11
Registration: 0901-29126
Property Address: 126 W. 16th St
Bayonne

Dear: Mr. Macstrey:

DJ-145023-12 Total due: \$282.50. DJ-062517-10 Total due: \$516.20. DJ-1200754-11 Total due: \$1,525.13.

Please be advised the amounts listed above are needed to satisfy the above-mentioned judgments. These amounts are valid until January 31, 2017. Kindly make Attorney's Trust check, Certified check or Money order payable to: **BUREAU OF HOUSING INSPECTION** and mail to.

Department of Community Affairs
Bureau of Housing Inspection, (Compliance Department)
101 S. Broad St.
PO Box 810
Trenton, NJ 08625-0810

Once these are paid, satisfactions of judgment will be filed with the court. This process takes eight to twelve weeks. Payments made by personal check will delay filing until funds have cleared, which may take up to 6 months.

Do not hesitate to contact the undersigned at (609) 984-7706 if you have any questions.

Very truly yours

Maria I. Hess, Paralegal
Bureau of Housing Inspection

MLH

