

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING MINUTES
WHISPERING WOODS HEARING
MARCH 12, 2018**

A **SPECIAL MEETING** of the Zoning Board of Adjustment was held on Monday, March 12, 2018 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Urban called the meeting to order at 6:00 p.m. Commissioner Egan called the roll. Present at the meeting were Chairman Urban, Commissioners Egan, Pelliteri, LeFante, Adams, Lombardi, Dorans, De Ros and DiLullo. Commissioners Pineiro and Simmons were absent.

Also present was Richard N. Campisano, Esq., Board Counsel, Eric Nemeth, Esq. and Anthony P. Seijas, Esq. attorneys for the City's insurance carrier NJIF, Robert Russo, PE, consulting City Engineer, Malvika Apte, PP, consulting City Planner and Lillian Glazewski, Land Use Administrator,

After the Pledge of Allegiance to the Flag, Chairman Urban declared a quorum and advised that the Board had complied with the Open Public Meetings Act/Sunshine Law.

ADOPTION OF MINUTES:

Commissioner Adams made a motion to adopt the minutes from the special meeting held on February 21, 2018 and regular meeting held on February 26, 2018. Commissioner Lombardi seconded the motion and a unanimous vote of eligible members followed.

PUBLIC HEARING – WHISPERING WOODS HEARING:

Z-15-018 BAYONNE MUSLIMS A NJ NONPROFIT CORP. – Site: 109 East 24th Street in City Block 443, Lot 5.01

Eric Nemeth, Esq., NJIIF attorney, advised that this meeting is being conducted in accordance with the requirements of *Whispering Woods v. Middletown Township*, 220 N.J. Super, 161 (Law Div., 1987) to consider the terms of the settlement of this action filed by the applicant in the United States District Court for the District of New Jersey entitled, Bayonne Muslims, et al v. City of Bayonne, et al with respect to the Board's March 6, 2017 denial of the applicant's application for preliminary and final major site plan approval..

Mr. Nemeth announced the "Terms of the Agreement" and read certain paragraphs of the agreement verbatim into the record.

Chairman Urban made it clear that the time limits for asking questions and making comments would be strictly adhered to. Only homeowners within 200' of the subject property will be permitted to question the professionals and will have three minutes to do so. At the conclusion of the questioning period, anyone interested will be permitted to make a statement, but their time would be limited to five minutes. No one will be allowed a second chance to speak or allot his or her time to anyone else.

William Finnerty, Esq., applicant's attorney, added the following exhibits into evidence:

- Affidavit of Publication
- Affidavit of Service; and
- Settlement Agreement

Consulting City Engineer, Robert Russo, PE read a statement regarding the relief requested by the applicant into the record.

Chairman Urban opened the questions and answer period and the following homeowners asked questions:

- Melanie Flora
- Rosemarie Bond
- Dawn Sysak

Chairman Urban then opened the comments portion of the meeting and the following interested parties and residents were duly sworn in by Suzanne Bischoff our Court Stenographer to provide comments:

- Melanie Flora
- Rosemarie Bond
- Joe Wisniewski
- Mutasin Hba
- Stephen Sysak
- Stacy Percella
- Dawn Sysak
- Robert Dodd
- Diane Brennan
- Pat Desmond
- Ali Hassan
- Mary Ellen Curtis
- Marusia Kushnir
- Joseph Basil
- Tony Campano
- David Dzrewiecki
- Megan McNally
- Joe Presto

Adeel Mangi, Esq., attorney for applicant, addressed some of the comments made by the public with regard to the conditional use as well as environment and traffic issues.

There being no further comments from the general public, Chairman Urban called for a motion adopting the terms of the settlement agreement and approving the application, subject to all conditions agreed to in previous hearings and spread across the record. Commissioner Adams made that motion and Commissioner Egan seconded the motion. The following vote was taken:

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| ▪ Chairman Urban | AYE |
| ▪ Commissioner Adams | AYE |
| ▪ Commissioner Egan | AYE |
| ▪ Commissioner Le Fante | AYE |
| ▪ Commissioner Lombardi | AYE |
| ▪ Commissioner Pellitteri | AYE |

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|----------------------------|------------|
| ▪ Commissioner Dorans | AYE |
| ▪ Commissioner Di Lullo | NOT VOTING |
| ▪ Commissioner DeRos, Jr., | NOT VOTING |

The application having received seven aye votes is hereby APPROVED.

Adoption of Resolutions:

- **Z-15-018 BAYONNE MUSLIMS A NJ NONPROFIT CORP.**
 - Commissioner Egans made a motion to adopt the resolution and Commissioner Adams seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:00 p.m.

Susan Bischoff, Certified Shorthand Reporter, 449 Columbia Boulevard, Wood-Ridge, NJ 07075 took a transcript of the meeting.

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