



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
AUGUST 16, 2021**

A **REGULAR in-person MEETING** of the Zoning Board of Adjustment was held on Monday, August 16, 2021, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Vice-Chairman Adams called the meeting to order at 6:12 p.m. Commissioner Lombari called the roll. Present at the meeting were Vice-Chairman Adams, Commissioners Lombari, Pineiro, DeRos, DiLullo, Sisk-Galvin and Blake. Chairman Urban was not present and Commissioner Gamal recused himself.

Also present were Richard Campisano, Esq., Board Counsel and Alicia Losonczy, Zoning Board of Adjustment Administrator.

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

Adoption of Minutes:

Secretary Lombari called for the adoption of the minutes from the July 19, 2021 regular meeting noting a correction to be made that the July 19, 2021 meeting was in-person and not virtual.

Commissioner DiLullo made the motion to adopt the minutes and Commissioner Pineiro seconded the motion. A unanimous vote of eligible members followed.

Public Hearing:

Z-20-006 – US MASTERS RESIDENTIAL PROPERTY FUND (USA) – Site: 126 West 16th Street in City Block 244, Lot 26 *[The applicant presents a motion for reconsideration of the application and alternative relief in the form of issuance of a Zoning Certificate of Non-Conformity.]*

Anne Marie Rizzuto, Esq., attorney for the applicant, gave an overview of the application, offered her exhibits into evidence and called his first witness.

Witness:

Anne Marie Rizzuto, Esq. explained that this previous application for a d(1) use variance was denied by one vote at the May meeting. A motion was then filed to consider alternative relief. Ms. Rizzuto explained that the matter was then adjourned at the July meeting and they have not withdrawn their Motion for Reconsideration entirely in order to request of Certificate of Non-conformity. Ms. Rizzuto stated that this property has existed since 1988 and explained that this pre-dates the Zoning ordinance, therefore is a pre-existing non-conforming use. She also explained that she will provide exhibits that show abandonment was not proven. Ms. Rizzuto explained that she has not brought a witness to testify as she is relying on the exhibits; however, if the Board so desires a professional be present, Ms. Rizzuto can arrange that. Ms. Rizzuto presented exhibit A-30 in detail stating that the use of the property was a three-family dwelling prior to the Zoning ordinance change which occurred in 1995. Ms. Rizzuto asked the Board to vote favorably on the granting of a Certificate of Non-conformity.

Board questions:

Vice-Chairman Adams questioned Ms. Rizzuto. Commissioner DeRos questioned our Board Counsel, Richard Campisano, on the basis of today's vote in connection with the May vote.

Audience questions:

Resident Anthony Menafro who resides at 122-124 west 16th Street provided clarity in regard to Debbie Pereuzza's Certification in Lieu of Affidavit and statements relative to this application.

Closing remarks:

Ms. Rizzuto, Esq., said that he would rely on the evidence given and respectfully requested the Board approve this application.

Caucus:

Vice-Chairman Adams said that he felt the evidence and documentation submitted supports the request for a Certificate of Non-conformity. All commissioners concurred with Vice-Chairman Adams except Commissioners DiLullo and Blake thought the proof of abandonment may not have been proven and would not be in favor of this application.

Motion:

Vice-Chairman Adams made a motion in the affirmative to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro seconded the motion and a unanimous vote followed.

Adoption of Resolutions:

- **Z-20-006 – US MASTERS RESIDENTIAL PROPERTY FUND (USA) – Site: 126 West 16th Street in City Block 244, Lot 26**
 - Vice-Chairman Adams made a motion to adopt the resolution Commissioner DiLullo seconded the motion.

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Mark Urban	[]	[]	[]	[]	[X]
Clifford Adams	[X]	[]	[]	[]	[]
Louis Lombardi	[X]	[]	[]	[]	[]
Nicholas DiLullo	[]	[X]	[]	[]	[]
Arrigo DeRos, Jr.	[X]	[]	[]	[]	[]
Joseph Pineiro	[X]	[]	[]	[]	[]
Ehab Gamal	[]	[]	[]	[X]	[]
Cindi Sisk-Galvin	[X]	[]	[]	[]	[]
Ryan Blake	[]	[X]	[]	[]	[]

Meeting adjourned at 7:20 pm. Susan Bischoff, Certified Shorthand Reporter, took a transcript of the meeting.

/akl