THE REGULAR MEETING of the Planning Board was held on Tuesday, September 14, 2010 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Roberts called the meeting to order at 6:13 p.m.

Chairman Roberts led all in the Pledge of Allegiance to the Flag and advised that the Board had complied with the Open Public Meetings Act/Sunshine Law.

Board Counsel Richard Campisano, Esq. called the roll. Present at the meeting were Chairman Roberts, Commissioners Garelick, Lotosky, Pineiro, Czerwienski, Chmielewski, Beebe and Acting Commissioner Francaneri. Mayor Smith was absent.

Also present were John D. Fussa, P.P., City Planner, Donald P. Schlachter, P.E., City Engineer, Richard N. Campisano, Esq., Board Counsel and Lillian Glazewski, Land Use Administrator.

Communications:

- A letter received from Commissioner Stephen Gallo stating that due to his recent appointment as Business Administrator his is resigning his position on the Planning Board as a Class IV member and Secretary.
  - Commissioner Gallo’s position has been filled by Gary Chmielewski.

Chairman Roberts asked for a volunteer to fill the board secretary position and Commissioner Lotosky volunteered. A motion was made and unanimously approved.
Adoption of minutes

Chairman Roberts called for the adoption of the minutes from the June 16, 2010 special meeting. Commissioner Pineiro made the motion and Commissioner Franconeri seconded the motion. A unanimous vote of eligible members followed.

Chairman Roberts then called for the adoption of the minutes from the July 13, 2010 regular meeting. Commissioner Pineiro made the motion and Commissioner Beebe seconded the motion. A unanimous vote of eligible members followed.

Public Hearing:

P-09-029 HOBART REALTY, LLC, Site: 79 East 3rd Street in City Block 359, Lot 11. [The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of an industrial warehouse building and associated improvements at the site.]

Patrick J. McNamara, Esq., attorney for the applicant gave a brief opening statement, entered his exhibits into evidence and called his first witness.

Witness:

Russell Bodnar, A.I.A. was sworn to provide expert testimony. Mr. Bodnar testified that his firm prepared the architectural plans submitted in support of the application. He described the plans and said that they do not have a tenant yet for proposed space. Mr. Bodnar also addressed the requested variances, and he testified that the variances could be granted without detriment to the City Master Plan or Zoning Ordinance.

Board questions:

John D. Fussa, P.P., City Planner questioned Mr. Bodnar about the proposed lighting. Mr. Bodnar said that the applicant agrees to work with our City officials to make sure that the proposed lighting does not have a negative affect on the surrounding
neighborhood. He also testified that any tenant who rents the space will be limited to uses that are permitted by the City Zoning Ordinance.

**Audience questions:**

Residents John Rooney and Lynn Levin questioned Mr. Bodnar.

**Witness:**

Jack O’Krepky, P.E., was sworn to provide expert testimony related to utilities and traffic. Mr. O’Krepky addressed the comments listed in reports submitted by John D. Fussa, P.P., City Planner and Donald P. Schlachter, P.E., City Engineer. He testified that the applicant will work with the City Engineer to add additional signage to prevent trucks from using roads in the residential areas.

**Board questions:**

Commissioner Pineiro and Beebe questioned Mr. O’Krepky. John D. Fussa, P.P., City Planner and Don Schlachter, P.E., City Engineer also questioned Mr. O’Krepky. Mr. Schlachter also asked for Mr. O’Krepky to provide a maintenance plan as addendum to his report. Mr. O’Krepky agreed.

**Audience questions:**

Resident Lynn Levin questioned Mr. O’Krepky.

**Witness:**

Thomas Uzzo, P.E., a private consultant in the State of New Jersey specializing in environmental issues was sworn to provide expert testimony with regard to the Environmental Impact Statement that was prepared. Mr. Uzzo testified that although no significant adverse environmental impacts were documented during their study, there are a number of unavoidable impacts that will result from the proposed development.
**Board questions:**

Commissioner Pineiro and John D. Fussa, P.P., City Planner questioned Mr. Uzzo.

**Audience questions:**

Resident Lynn Levin questioned Mr. Uzzo.

**Witness:**

Al Faraldi, P.P. was sworn to provide expert testimony. Mr. Faraldi testified as to the required variances and he indicated that the side yard variances would cause no impact to the immediate neighbors. He also indicated that there was no substantial detriment to surrounding properties as a result of this application. In his planning testimony Mr. Faraldi described the proposed use and area, the uses contained therein and he described the Ordinance and permitted uses in the area as well as the intent for the City for this zone. It was his opinion that the variances could be granted because they are justified and conform with the purposes of zoning, namely public health, safety and welfare. It is his opinion there is no substantial detriment as a result of this proposed development with the requested variances.

**Board questions:**

Commissioner Pineiro and John D. Fussa, P.P., City Planner questioned Mr. Faraldi.

**Audience questions:**

Resident Lynn Levin questioned Mr. Faraldi
**Closing remarks**

Patrick McNamara, Esq., said that he stands on the record and respectfully requested that the Board approve the application.

**Board comments:**

Commissioner Chmielewski made a motion to approve the application subject to the conditions set forth during the course of the hearing. Commissioner Czerwienski seconded the motion and a unanimous vote followed.

A short break was taken at 7:40 p.m. and the meeting resumed at 7:50 p.m. Secretary Lotosky called the roll.

**Public Hearing:**

**P-10-009 – PSE&G, Site: New Hook Access Road in City Block 426, Lot 1.**

[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of new electric process equipment to help serve the additional electric demand in the area.]

David Richter, Esq., attorney for the applicant gave a brief opening statement and entered his exhibits into evidence.

**Witness:**

Kenneth Tanis, P.E. was sworn to provide expert testimony. Mr. Tanis testified that he is a design engineer who was retained by the applicant to analyze the need for additional capacity and to oversee the entire project. He stated that he designed the substation and indicated that he did not anticipate any further expansion at this site. It was his opinion this would increase capacity and reliability

**Board questions:**

Commissioner Pineiro and Garelick and Chairman Roberts questioned Mr. Tanis.
Audience questions:
Edward Taylor, a consultant for IMTT Bayonne also questioned Mr. Tanis.

Witness:
Raymond A. Tripodi, P.E., P.P., an employee of PSE&G for over 30 years was sworn to provide expert testimony. Mr. Tripodi testified in his capacity as a professional planner. He described the site plan he prepared for the substation and he described the area as industrial. He also addressed the variances and design waiver that the applicant was requesting. He indicated that the applicant was prepared to donate trees to the City in lieu of locating them on the site and that the number of trees would be five (5).

Board questions:
Commissioner Pineiro questioned Mr. Tripodi.

Audience questions
There were no questions from the general public.

Closing Statements:
The applicant’s attorney David Richter, Esq. briefly respectfully requested that the Board approve the application.

Commissioner Lotosky made a motion to approve the application subject to the conditions set forth across the record and Commissioner Garelick seconded the motion. A unanimous vote followed.

Adoption of Resolutions:

- P-10-007 – HAELEY K. PARK, Site: 982-988 Broadway in City Block 71, Lots 30 and 31
o Commissioner Garelick made a motion to adopt the resolution and Commissioner Pineiro seconded the motion. A unanimous vote followed.

- P-10-005 – WATERFORD AT BAYONNE, LLC (AMENDED APPLICATION), Premises: 28-58 Kennedy Boulevard in City Block 363, Lot 1.01

  o Commissioner Pineiro made a motion to adopt the resolution and Commissioner Lotosky seconded the motion. A unanimous vote followed.

A motion was made to adjourn the meeting at 8:10 p.m.

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

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