

**AMENDED RESOLUTION**

**PLANNING BOARD**

**CITY OF BAYONNE**

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**APPLICANT:** RASHAD MAKKAR & GEMIANI HABASHI

**APPLICATION NO:** P-07-010

**PREMISES:** 78-82 West 52<sup>nd</sup> Street  
Block 44, Lots 35.01, 35.02, 35.03

**WHEREAS, RASHAD MAKKAR & GEMIANI HABASHI,** (Applicants) have applied to the Planning Board of the City of Bayonne for minor subdivision approval and bulk variance relief to subdivide the property located at 78-82 West 52<sup>nd</sup> Street in City Block 44, Lots 35.01, 35.02, 35.03 into three lots for the purpose of constructing three detached two-family houses; and

**WHEREAS** the subdivision was approved by the Planning Board on October 9, 2007 subject to certain conditions inclusive of the applicant posting of a performance bond; and

**WHEREAS,** the applicants through their attorney, William J. Finnerty, Esq., came before the Board at a regular meeting held on October 13, 2009 and requested that ~~the performance bond be bifurcated with one-third of the bond posted for the construction~~ of the first house and the remaining two-thirds posted for the construction of the remaining two houses; and

**WHEREAS,** after carefully considering the arguments of counsel the Planning Board makes the following findings and conclusions with respect to the requested relief;

**NOW THEREFORE BE IT RESOLVED** that the Planning Board of the City of Bayonne hereby **GRANTS RASHAD MAKKAR & GEMIANI HABASHI** (Applicants) permission to bifurcate the performance bond in connection with property located at 78-82 West 52<sup>nd</sup> Street in City Block 44, Lots 35.01, 35.02 and 35.03 and allow the first house to be started with one-third of the performance bond being posted and the balance to be paid at commencement of construction for the remaining two houses.

**RECORDED VOTE:**

Commissioners	Aye	Nay	Abstain	Not Voting	Not Present
Garelick	[X]	[ ]	[ ]	[ ]	[ ]
LaPelusa	[X]	[ ]	[ ]	[ ]	[ ]
Lotosky	[ ]	[ ]	[ ]	[ ]	[X]
Roberts	[X]	[ ]	[ ]	[ ]	[ ]
Gallo	[X]	[ ]	[ ]	[ ]	[ ]
Pineiro	[X]	[ ]	[ ]	[ ]	[ ]
Birtwistle	[X]	[ ]	[ ]	[ ]	[ ]
Mayor Smith	[ ]	[ ]	[ ]	[ ]	[X]
Jason O'Donnell	[X]	[ ]	[ ]	[ ]	[ ]
James Mahon (Acting Commissioner)	[X]	[ ]	[ ]	[ ]	[ ]

**WHEREAS**, the application having received eight (8) **AYE** votes is hereby **APPROVED**.

The above Resolution was adopted by the Planning Board of the City of Bayonne at a meeting held on November 9, 2009.



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Gregory A. Roberts  
Chairman

RNC/lg