



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
MARCH 10, 2015**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, March 10, 2015 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Vice-Chairperson Fiermonte called the meeting to order at 6:10 p.m. and led all in the Pledge of Allegiance to the Flag. Vice-Chairperson Fiermonte advised that the Board has complied with the Open Public Meetings Act/Sunshine Law.

Secretary Lotosky called the roll. Present at the meeting were Vice-Chairperson Fiermonte and Commissioners La Pelusa, Lotosky, Marsella, Malloy, Mulcahy, Quintela and Mayoral Designee Wondolowski. Chairman Garelick and Mayor James M. Davis were absent.

Also present were James Clarkin, P.P. Consulting City Planner, Robert Russo, P.E., Consulting City Engineer, Suzanne Mack, P.P., City Planner, John Pavlovich, P.E., Consulting City Engineer, Richard N. Campisano, Esq., Board Counsel and Lillian Glazewski, Land Use Administrator.

Adoption of Minutes:

Commissioner La Pelusa made a motion to adopt the minutes of the special meeting held on February 25, 2015. Commissioner Marsella seconded the motion and a unanimous vote of eligible members followed.

Communications:

- Zoning Board of Adjustment Annual Report Pursuant to N.J.S.A. 40:55D-70-1
- **From the Municipal Council:** A Ordinance Amending and Supplementing the Planning and Development Regulations in Chapter 33 of the General Ordinances of the City of Bayonne, County of Hudson, State of New Jersey, Concerning General Development Plans (GDP), Planned Developments and Related Definitions.
- **From the Municipal Council:** Directing the Planning Board to review those portions of the “Scattered Site Redevelopment Plan” relating to property known as 662-666 Avenue C in City Block 163, Lot 45 and make recommendation to the Municipal Council regarding an update to the Redevelopment Plan and recommended amendments to same. The Planning Board Report is to be submitted to the Municipal Council within forty-five (45) days of the adoption of this resolution.
 - Commissioner Malloy made a motion to move forward with the plan and recommended amendments and Commissioner Marsella seconded the motion. A unanimous vote followed.

Public Hearing:

P-15-003 HUDSON BURGER, LLC (SONIC) – Site: 100 Bayonne Crossing Way in City Block 453.01, Lot 1 *[The applicant is seeking preliminary and final major site plan approval to allow the construction of an enclosure of the existing patio area to provide the restaurant with an indoor seating area for customers.]*

Daniel L. Steinhagen, Esq., attorney for the applicant, gave a brief opening statement, entered his exhibits into evidence and called his first witness.

Witness:

Robert Sargenti, A.I.A., principal of Sargenti Architects, was sworn to provide expert testimony on behalf of the application. Mr. Sargenti said that he prepared the site plan for this application. He described the site and proposed project. He said that the proposed addition would provide forty-four (44) seats in an enclosed area for the patrons of Sonic. He testified that there would be no change in the vehicular parking spaces or the use of the property.

Board questions:

There were no questions from the Board.

Witness:

Brian Waisnor, P.E., of Langan Engineering, was sworn to provide expert engineering testimony for the applicant. Mr. Waisnor said that the applicant is desirous of closing off the area to protect the patrons from the elements. Mr. Waisnor described the site and his involvement with the project. He advised there would be no affect on the existing parking, circulation, grading, drainage or lighting. He testified that the traffic and movement would remain the same. He also indicated that the changes would not affect the site lighting.

Board questions:

Suzanne Mack, P.P., City Planner questioned Mr. Waisnor.

Audience questions:

There were no questions from the general public.

Commissioner Mulcahy made a motion to approve the application subject to conditions agreed upon during the course of the hearing. Commissioner Marsella seconded the motion and a unanimous vote followed.

A short break was taken at 6:40 p.m. and the meeting resumed at 6:50 p.m. Secretary Egan called the roll

Public Hearing:

P-15-002 – 195 EAST 22ND STREET URBAN RENEWAL, LLC *[The applicant is seeking preliminary and final major site plan approval along with minor subdivision approval to construct a Quick Chek convenience Store with Gas Station, Auto Zone Retail Store and other retail components at the site.]*

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

Witness:

Jeffrey Martell, P.E., was sworn to provide expert testimony on behalf of the application. Mr. Martell described the proposed project and how it would affect the surrounding area. He described the landscaping plan inclusive of the proposed plantings. He also addressed the Department of Transportation issues. Mr. Martell discussed the traffic flow and circulation at the site, the grading, drainage and utilities. He discussed the pedestrian plaza, site lighting and lot coverage. In addition, Mr. Martell addressed the comments in the City Planner and City Engineer's reports.

Board questions:

Vice-Chairperson Fiermonte and Commissioners La Pelusa and Marsella questioned Mr. Martell as did Robert Russo, P.E., consulting City Engineer.

Mr. Martell said that an off-site improvement plan would be provided.

John Pavlovich, the City's Consulting Traffic Engineer commented on the shared parking.

Audience questions:

There were no questions from the general public.

Witness:

Frank A. Filiciotto, P.E., Senior Project Manager with Stonefield Engineering was sworn to provide expert testimony with regard to the traffic study prepared by Stonefield Engineering. Mr. Filiciotto discussed the traffic impacts associated with the proposed development including trip generation, existing levels of service at the nearby intersections. He reviewed the reports submitted by the City's traffic engineer and agreed to the recommended improvements at the site. He described the project as three (3) sites containing 23,000 square feet. Mr. Filiciotto described the site and the traffic in the area as well as mass transit nearby. He described the local streets and advised the board that the applicant would comply with the placement of a "right turn only" sign at the westerly most driveway. Mr. Filiciotto

also said that the applicant is in the process of filing an application with the Department of Transportation (DOT) for access permits.

A short break was taken at 8:12 p.m. and the meeting resumed at 8:27 p.m. Secretary Lotosky called the roll.

Board questions:

Commissioners Marsella, La Pelusa and Fiermonte questioned Mr. Filiciotto, as did consulting City Traffic Engineer, John Pavlovich.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, P.P. was sworn to provide expert planning testimony on behalf of the application. Mr. McDonough described the documents he reviewed in preparation for his testimony in this matter. He said that he had been to the site and he described the project in detail. He described the present site conditions and talked about the uniqueness of the site. He also described the variety of land uses in the surrounding area. Mr. McDonough said that the project is consistent with the Master Plan and Redevelopment Plan. He addressed each of the variances requested and how the project on balance would be positive for the area and the City as a whole.

Mr. McDonough said that this project would have a positive impact in the area and it would help the free flow of traffic with the proposed improvements to the Route 440 East 22nd Street intersection. It would also lend an aesthetic upgrade to that location. Mr. McDonough further testified that these benefits substantially outweigh the deterrents associated with the proposed use since there appears to be very limited detrimental effect.

Board questions:

City Planner Suzanne Mack, P.P. questioned Mr. McDonough.

Audience questions:

There were no questions from the general public.

Closing remarks:

Patrick McNamara, Esq., said that he felt the testimony provided in support of this application was sufficient for the Board to approve the application. He respectfully requested that the Board act favorably on this application.

Audience closing remarks:

There were no closing statements from the audience.

Board comments

Commissioner Wondolowski said that the applicant presented a thorough presentation. He asked that the applicant's professionals work with our professionals concerning the parking issues discussed during the course of this hearing.

Commissioner Malloy said that this will be a tremendous improvement to the site and it will be an enhancement to that strip. He also shares the traffic concerns and would like the applicant's professionals and our professionals to work together in that regard.

Commissioner Le Pelusa said that he appreciates that the applicant has agreed to work together with our professionals with regard to the traffic flow and other changes.

Commissioner Lotosky said that she likes the idea of a gas station on the north bound side of the highway. She said that this is a good plan.

Commissioner Marsella thanked everyone for their efforts to improve the site. This would be a huge improvement. However, she said that she is seriously concerned about the configuration of the site,

particularly having the fueling area in the main flow of the site. This will cause confusion between pedestrians and traffic at the site.

Commissioner Quintela agreed that this is a good project.

Commissioner Mulcahy said that greenery and sitting area enhance the site.

Vice-Chairperson Fiermonte said it is a great improvement to the site. The improvements to the pedestrian walkway will enhance the area as will the improved lighting. Ms. Fiermonte also agreed that it will be nice to have a gas station on that side of the highway.

Commissioner La Pelusa made a motion to approve the application subject to the conditions spread across the record. Commissioner Mulcahy seconded the motion and the following vote was recorded:

Commissioner Fiermonte	AYE
Commissioner Lotosky	AYE
Commissioner La Pelusa	AYE
Commissioner Marsella	NAY
Commissioner Malloy	AYE
Commissioner Mulcahy	AYE
Commissioner Quintela	AYE
Mayoral Designee Wondolowski	AYE

The application was approved by a majority vote.

Adoption of Resolutions:

- **P-14-023 A & M BAYONNE, LLC – Site: 855 Broadway in City Block 105, Lot 22**
 - Commissioner Marsella made a motion to adopt the resolution and Commissioner Mulcahy seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 9:15 p.m.

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

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