



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
AUGUST 11, 2015**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, August 11, 2015 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Garelick called the meeting to order at 6:06 p.m. and led all in the Pledge of Allegiance to the Flag. Chairman Garelick advised that the Board has complied with the Open Public Meetings Act/Sunshine Law.

Secretary Marsella called the roll. Present at the meeting were Chairman Garelick and Commissioners Fiermonte, Marsella, La Pelusa, Malloy, Mulcahy, Quintela, Lawandy and mayoral designee Wondolowski. Mayor James M. Davis was absent.

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

Adoption of Minutes:

Commissioner Firemonte made a motion to adopt the minutes of the July 14, 2015 regular meeting. Commissioner Marsella seconded the motion and a unanimous vote followed.

Communications:

None

Public Hearing:

P-15-016 INFINITE THERAPY SOLUTIONS, LLP – Site: 28-30 East 22nd Street in City Block 212, Lot 31 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to convert a first floor dwelling unit into a professional office.]*

William M. Feinberg, Esq., Attorney for the Applicant described application. Offered his exhibits into evidence and called his first witness.

Witness:

Hillary Fryczynski co-owner of Infinite Therapy was sworn to provide factual testimony. Ms. Fryczynski testified that they provide care to minors up to 18 years of age for speech and physical therapy with all sorts of disabilities. She said that there is a growing need for this service in our area. Ms. Fryczynski said that she has been treating patients in her home and is in need of a larger facility. Her clients come from all over Bayonne and many are referred to the facility by word of mouth. Ms. Fryczynski described the layout of the proposed facility and said that they would be open from 3:00 p.m. to 7:00 p.m. during the week and from 9:00 a.m. to 1:00 p.m. on Saturday. She further testified there would be two treatment rooms, and the staff would include two therapists and one secretary. Ms. Fryczynski said that all of the therapists are State approved.

Board questions:

Chairman Garelick questioned Ms. Fryczynski.

Audience questions:

Resident Louis Michalski questioned Ms. Fryczynski

Witness:

Al Sambade, P.P., P.E., A.I.A. was sworn to provide expert testimony in support of this application. Mr. Sambade said that he was retained by the applicant to prepare the site plan for this facility. He described the area as a mixed area that is within 200 feet of a variety of uses. He said

there is no dominant land use in the area and the subject property is zoned within the TDO District and is a permitted use in that zone. Mr. Sambade said that the subject building fronts on East 22nd Street closest to Broadway and the unit that will be used for therapy is on the ground floor of the building. Mr. Sambade pointed out that the applicant has come before the Board for site plan approval and a parking variance for one parking space. He said that this application conforms with the Master Plan. Mr. Sambade addressed the City Planner's report and proposed signage.

Board questions:

Chairman Garelick questioned Mr. Sambade as did Consulting City Engineer Robert Russo and Consulting City Planner James Clarkin.

Audience questions:

There were no questions from the general public.

Closing:

William M. Feinberg, Esq. said that the application speaks for itself and the service that will be provided is a benefit to the community. He respectfully requested the Board approve the application.

Audience closing remarks.:

There were no closing remarks from the audience.

Chairman Garelick made a motion to approve the application subject to the conditions spread across the record. Commissioner La Pelusa seconded the motion and a unanimous vote followed.

Public Hearing:

P-15-017 - 396 BROADWAY, LLC – Site: 396 Broadway in City Block 226, Lot 45 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the conversion of the second floor from commercial to two residential dwelling units.]*

John Zucker, Esq., attorney for applicant, gave a brief opening statement, offered his exhibits into evidence and called his first witness.

Witness:

Alan Feld, A.I.A. was sworn to provide expert testimony on behalf of the application. Mr. Feld described the structure, location and design plan. He said that all of the proposed work is interior to the building. Mr. Feld described the surrounding area indicating there is no rear yard or open space available for the application to comply with the open space Zoning Ordinance requirements and the parking issues, which are preexisting conditions. He further testified that there are many recreational uses in the area as well as municipal open spaces, so the applicant's inability to provide for open space is mitigated by those uses. In addition, there are sufficient municipal parking lots in the area to handle parking for this development. Mr. Feld also addressed fire safety measures and he said that his client would be willing to install alarm fire safety doors to ensure that the emergency fire doors would only be used in case of an emergency.

Board questions:

Chairman Garelick questioned Mr. Feld.

Audience questions:

Suzanne Lee, owner of the building adjacent to the subject structure, questioned Mr. Feld and expressed her opposition to this application.

Closing remarks:

Mr. Zucker respectfully requested the Board approve this application.

Audience comments:

There were no comments from the general public.

Commissioner Malloy made a motion to approval this application subject to conditions that have been spread across the record. Commissioner Mulcahy seconded the motion and a unanimous vote followed.

A short break was taken at 6:50 p.m. and the meeting resumed at 7:00 p.m. Secretary Marsella called the roll.

Public Hearing:

P-15-019 NORTH AVENUE, LLC – Site: 26 North Street in City Block 297, Lot 3 *[The applicant is seeking preliminary and final major site plan approval to construct a 22-story 244 foot mixed use building consisting of 170 residential units.]*

Michael Miceli, Esq., attorney for applicant gave a brief description of the application, offered his exhibits into evidence and called his first witness.

Witness:

John Cali, principal of the applicant, was sworn to provide factual testimony in support of the application. Mr. Cali said that he has been in the real estate business for 38 years. In 2012 he entered into a joint venture with two other people to form Lucarelli Brothers, to develop certain parcels of land. Mr. Cali spoke about his vision for Bayonne and he discussed the proposal. Mr. Cali said that this site which is located at the terminus of the Hudson Bergen Light Rail Line is a perfect spot for the proposed building and it is key to this high rise development.

Board questions:

There were no questions from the Board.

Audience questions:

Resident Mathew Kopko questioned Mr. Cali.

Witness:

Bruce Stieve, A.I.A., an architect with Marchetto Higgins Stieve Architects, was sworn to provide expert testimony with regard to the architectural plan prepared by him. Mr. Stieve testified that the site is located at the terminus of the Hudson Bergen Light Rail. Mr. Stieve described the proposed application and testified as to the public amenities, building façade, materials and structures

that make up the architectural elements of the project. He discussed the streetscape and described the functional use of the building and how the design was in keeping with the Redevelopment Plan principles. Mr. Stieve further discussed the parking and other design features. He testified that the applicant utilized its best efforts to address the site constraints and set forth the goals of the design.

Board questions:

Chairman Garelick, Commissioner La Pelusa, City Engineer Robert Russo, P.E., and City Planner James Clarkin, P.P. questioned Mr. Stieve.

Audience questions:

Residents Consuelo Carpenter and Massimo Barbieri questioned Mr. Stieve.

Witness:

Joseph Sparone, P.E., was sworn to provide expert testimony for the application. Mr. Sparone testified as to the existing site conditions and site plan that was prepared by his firm Dynamic Engineering. He discussed the parking and how the proposed parking spaces exceed the plan requirements. Mr. Sparone further discussed the bulk requirements and setbacks. He indicated the project was consistent with the Master Plan and Rehabilitation Plan. Mr. Sparone also discussed the proposed site access and curb cuts.

Board questions:

Chairman Garelick and Commissioners La Pelusa, Marsella and Fiermonte questioned Mr. Sparone as did City Engineer Robert Russo, P.E. and City Planner James Clarkin, P.P.

City Planner Suzanne Mack explained the density bonus requirements of this project as it related to the Rehabilitation Plan.

Audience questions:

Resident Mathew Kopko questioned Mr. Sparone.

A short break was taken at 8:35 p.m. and the meeting resumed at 8:50 p.m. Secretary Marsella called the roll.

Witness:

Joseph Staigar, P.E., traffic engineer, was sworn to provide expert testimony in support of the Traffic Impact Study prepared by Dynamic Traffic. Mr. Staigar described the location of the property and said that the property is currently vacant and has been vacant for some time. Mr. Staigar discussed the existing traffic patterns in the area and how the proposed structure would impact traffic generation. He said that based upon the urban setting, close proximity to New York City and easy access to mass transportation, it is projected that many of the residents of the proposed development will not utilize private vehicles as a means of commuting. Mr. Staigar said that in his professional opinion, the City will not experience any significant degradation in operating conditions with the construction of this project.

Board:

Chairman Garelick questioned Mr. Staigar.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, P.P., was sworn to provide expert planning testimony in support of this application. Mr. McDonough described the project in detail and discussed how this type of signature, mixed-use building would help reverse the downward trend in the neighborhood. He described the present site conditions and detailed how it was a unique site. He indicated that there were a variety of land uses in the surrounding area. He testified that the proposed development would be in conformity with the Redevelopment Plan. He indicated the project was consistent with the Master Plan as well as

the Redevelopment Plan. He also testified that this project would not have a substantial detriment to the public good nor impair the Zone Plan and Zoning Ordinance.

Board questions:

Chairman Garelick and Commissioner La Pelusa questioned Mr. McDonough.

Audience questions:

Resident Mathew Kopko questioned Mr. McDonough

Closing remarks:

Mr. Miceli respectfully requested the Board approve this application.

Audience comments:

Consuelo Carpenter voiced her disapproval of this project stating that it would cause more traffic in the area and would generate noise that would negatively affect the use and enjoyment of her home. Megan McNally was against the application because of the height of the building, foot traffic and garbage in the area. Kathleen McNally was against the application because she said it would affect the quality of life of residents in the area.

Board comments:

Commissioner Fiermonte said that she understands the comments made by the residents present however, the plan is well presented. This is a transit oriented project that is located at the terminus of the Light Rail and it fits well into the area.

Commissioner Mulcahy remarked that all of the residents had valid concerns.

Commissioner Quintela commented that a project of this magnitude brings importance to the City.

Commissioner Lawandy said that this is a well designed project. He understands the neighbors concerns and he feels that their concerns can be mitigated through the construction process.

Commissioner Marsella said that she has witnessed a cycle of decline in the City and the rebirthing of those communities. This City has unique opportunity to halt the decline. We must seize those opportunities.

Commissioner La Pelusa commented that too often neighbors don't come to meetings to speak up for or against a particular project. This property is a better fit in this area for the magnitude of the proposed building. Commissioner La Pelusa expressed his disappointment that so few people came out to express their feelings on this project.

Commissioner Malloy said that over the course of time Bayonne has lagged behind other communities. Bayonne has a lot of strengths. We are not looking to change the make up of the City. Here we have an investor who is willing to put millions of dollars into revitalizing this land and bring people into the City. He said this project will have a positive impact on all of the homes in Bayonne. In this case the positives outweigh the negatives.

Commissioner Wondolowski concurred with his fellow commissioners. He said that this project is extremely beneficial to the City.

Chairman Garelick said that he understand the concerns of the neighbors present. This developer has a project that is almost complete on the Kennedy Boulevard that is beautiful and successful. Much change will be taking place for the positive.

Commissioner Garelick made a motion to approve the application subject to the conditions spread across the record. Commissioner Marsella seconded the motion and a unanimous vote followed.

Adoption of Resolutions

- **P-15-011 IMTT - BAYONNE – Site: 250 East 22nd Street in City Block 480, Lot 1; Block 481, Lot 3; Block 506, Lot 2; and Block 503, Lot 9**

- Commissioner Marsella made a motion to adopt the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 9:40 p.m.

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

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