



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
APRIL 12, 2016**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, April 12, 2016 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, Commissioners Fiermonte, Perez, Quintela, Lawandy, Marsella, Malloy and Mayoral designee Virga. Mayor Davis and Commissioner Mulcahy were absent.

Chairman Garelick announced that Eneas Mulcahy has resigned from the Board. Chairman Garelick thanked Mr. Mulcahy for his service to the Board since 2010 and wished him well.

Also present were Richard N. Campisano, Esq., Board Counsel, Suzanne Mack, P.P., City Planner, Robert Russo, P.E., consulting City Engineer, Anthony Rodriguez, P.P., consulting City Planner and Lillian Glazewski, Land Use Administrator.

Adoption of Minutes:

Commissioner Marsella made a motion to adopt the minutes of the regular meeting held on March 8, 2016 and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.

Commissioner Marsella made a motion to adopt the minutes of the special meeting held on March 15, 2016 and Commissioner Perez seconded the motion. A unanimous vote of eligible members followed.

Communications:

No communications were received.

Public Hearing:

P-16-017 CITY OF BAYONNE – Site: Peninsula at Bayonne Harbor, Bayonne Bay District in City Block 830, Lot 1 *[The City is seeking preliminary and final major subdivision to subdivide the property and create seven (7) new vacant lots.]*

John P. Wyciskala, Esq., attorney representing the City with regard to this subdivision, advised the Board that this is a City owned property that it is the subject to two future projects at Bayonne Bay West and Bayonne Bay East. Mr. Wyciskala stated that the City is technically immune from Board approval however, the attorneys representing the developers asked that this subdivision be memorialized by resolution. In addition, Mr. Wyciskala noted that the City is required to go to the Hudson County Planning Board for approval or exemption. The purpose of this application is to divide City owned land to make way future development on the property.

Witness:

Peter Vandenkooy, P.E., an engineer with Matrix Engineering, was sworn to provide expert testimony. Mr. Vandenkooy testified that his firm prepared the subdivision plan for this site. He gave a brief overview of the proposed subdivision.

Board questions:

There were no questions from the Board

Audience questions:

There were no questions from the general public.

Commissioner Marsella made a motion to return a recommendation to the Municipal Council to adopt the redevelopment plan. Commissioner Perez seconded the motion and a unanimous vote followed.

Public Hearing:

P-16-018 CITY OF BAYONNE – Site: East 5th Street Access Road, SE Kill Van Kull, in City Block 476.01, Lots 9 & 10 *[The City is seeking preliminary and final major subdivision to subdivide the property and create three (3) new lots and two (2) new City right-of-ways.*

John P. Wyciskala, Esq., attorney representing the City with regard to this subdivision advised the Board that this property involves upland and lands below the waterline. The purpose of the subdivision is to separate the upland from water land property. No improvements are proposed at this time.

Witness:

Peter Vandenkooy, PE, an engineer with Matrix Engineering was sworn to provide expert testimony. Mr. Vandenkooy testified that his firm prepared the subdivision plan for this subdivision. He described the subdivision from Exhibit A-7 a color rendering.

Board questions:

There were no questions from the Board.

Audience questions:

Resident Michael Ruscigno questioned Mr. Vandenkooy.

Commissioner Marsella made a motion to approve the subdivision and Commissioner Fiermonte seconded the motion. A unanimous vote followed.

Public Hearing:

Presentation of Redevelopment Plan for property located at Constable Hook/New Hook Road in City Block 482, Lots 10 and 11

Presentation by Suzanne Mack, P.P., City Planner gave a brief summary of the Redevelopment Plan.

Board questions:

Chairman Garelick questioned Ms. Mack.

Audience:

There were no questions from the general public.

Commissioner Perez made a motion to send a recommendation to the Municipal Council to adopt the Redevelopment Plan. Commissioner Malloy seconded the motion and a unanimous vote followed.

Public Hearing:

Presentation of Rehabilitation Plan for property located at Block 458, Lots 12 and 13 a/k/a 206-220 Avenue E and 222 Avenue E

Presentation by Suzanne Mack, P.P., City Planner, summarizing the Rehabilitation Plan.

Board questions:

Chairman Garelick and Commissioner Malloy questioned Ms. Mack with regard to possibly allowing the footprint for a building to allow more height to the building.

Audience questions:

Charles Thomas, P.E. of Bohler Engineering commented on the plan.

Commissioner Malloy made a motion to forward a recommendation to the Municipal Council to adopt the Rehabilitation Plan and Commissioner Perez seconded the motion. This was followed by a unanimous vote.

Public Hearing:

Presentation of Amended and Restated Redevelopment Plan for Scattered Site Redevelopment Project Phase II: Site 9 a/k/a 97-103 Avenue A in City Block 301.01, Lots 1-13; Block 311.01, Lot 1; Block 333.01, Lots 3-6 and Block 333.02, Lot 1

Suzanne Mack, P.P., City Planner, summarized the amendments to the Amended and Restated Redevelopment Plan for Scattered Site Redevelopment Project Phase II: Site 9/

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Commissioner Perez made a motion to forward a recommendation to the Municipal Council to adopt the proposed amendments to the redevelopment plan. Commissioner Fiermonte seconded the motion and a unanimous vote followed.

A short break was taken at 7:26 p.m. and the meeting resumed at 7:39 p.m. The roll was called.

Public Hearing:

P-16-007 KOUVEL PROPERTY, LLC, Site: 770-772 Broadway in City Block 132, Lots 49 & 50
[The applicant is seeking preliminary and final major site plan approval to permit the conversion of the second floor of the existing building from two residential apartments to four residential apartments and for bulk variance relief for parking.]

Paul Weeks, Esq., attorney for applicant moved his exhibit list that was previously marked into evidence and called his first witness.

Witness:

Al Sambade, AIA, PP, PE was sworn to provide expert testimony on behalf of the application. Mr. Sambade testified that he prepared the plans for this project and he described the existing building and its surrounding area. Mr. Sambade testified that the application involves two properties at the site and the applicant is seeking permission to subdivide each of the two existing three-bedroom, second-floor units into two units. Mr. Sambade addressed the variances being sought for usable open space and parking.

Board questions:

Chairman Garelick questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Comments:

There were no comments from the general public.

Paul Weeks, Esq. said that he relied on the testimony given by his expert and he respectfully requested the Board grant approval for this application.

Commissioner Fiermonte made a motion to approve the application subject to any and all conditions agreed to and spread across the record. Chairman Garelick seconded the motion and a unanimous vote followed.

Commissioner Marsella said that this is a good application because of the building's proximity to the Light Rail.

Commissioner Malloy commented that this is a positive project however, he feels the Municipal Council should consider mandating the applicant make a contribution payment in lieu of the variance for parking.

Public Hearing:

P-15-026 – 124 WEST 5TH STREET, LLC – Site: 124 West 5th Street in City Block 335, Lot 11 *[The applicant is seeking preliminary and final major subdivision approval to subdivide the lot into 5 lots, preliminary and final major site plan approval and bulk variance relief to construct five new two-family homes.]*

Steve Rose, Esq., attorney for the applicant, offered his exhibits into evidence. He described the location of the property and the reason for this application. Mr. Rose said that the applicant has made certain amendments to the site plan after meeting with the Historic Preservation Committee prior to this hearing.

Witness:

Al Sambade, AIA, PP, PE was sworn to provide expert testimony in support of this application. Mr. Sambade testified that he was retained by the applicant to prepare the subdivision and site plan. He described the property prior to the demolition and said that the applicant is proposing to subdivide the lot into five lots and build five new two-family homes on each newly subdivided lot. Mr. Sambade addressed the bulk variances that would be needed for this project. He addressed the comments offered by the City Planner and City Engineer in their reports.

Board questions:

Chairman Garelick, Commissioner Marsella and City Planner Rodriguez questioned Mr. Sambade.

Audience questions:

Residents Elizabeth Judowski, Daisy Laurel, Michael Rambat, Laura Poris, Thomas Cotter and David Solari also questioned Mr. Sambade. Residents were concerned that a five lot subdivision was too much for that property and they were not happy with the way the layout of the homes were being proposed.

Comments:

Residents Hanusz-Rajkowski, Thomas Cotter, Laura Poris and Elizabeth Judowski were not in favor of this application because of the number of proposed lots and layout of the homes. David Solari commented in favor of the application.

Steve Rose, Esq., addressed some of the statements made by the residents regarding the purchase of the house and who was responsible for the stripping of its contents. Mr. Rose stated that the property was placed on the market for sale on April 28 2011.

Caucus:

Commissioner Marsella said that she does not think jamming five houses in this neighborhood is the way to go.

Commissioner Perez complimented Mr. Sambade on his testimony however, he is not in favor of granting a five lot subdivision. With a property of this size there should be no request for variance of lot size.

Commissioner Malloy said that it is important to note that we all may wish that one-family homes would be maintained however, the applicant is attempting to construct too many homes on site. The City Ordinance is attempting to move into a new direction with lot sizes at 100 x 30. This is a prime real estate site that should conform to our City Ordinance. There is not enough benefit as currently proposed to grant the variances.

Commissioner Virga said that Mr. Sambade has done a great job with his testimony in support of this application. He also commended the developer for his commitment to the City. However, he asked the developer to go back to the drawing board and try to accommodate the space better.

Commissioner Fiermonte concurred with her fellow commissioners.

Commissioner Lawandy agreed that five lots is too much.

Commissioner Quintela concurred with Commissioner Marsella.

Chairman Garelick said that this large piece of property can be a catalyst for the creation of lots conforming to the City Ordinance.

Prior to a vote being taken, the applicant discussed with Mr. Campisano and Mr. Rose to allow him to amend the site plan and return to the Board at a later date with a new proposal. The Board agreed to allow time for the applicant to make the revisions and resubmit.

Mr. Campisano asked Mr. Rose to place on the record that the applicant has agreed to revise the site plan and also agrees to toll the period of time the Board has act on this application. Inasmuch as the applicant requested to reschedule this application to the regular meeting on June 14, 2016, Mr. Campisano advised Mr. Rose that no further notice would be required.

Commissioner Garelick made a motion to carry this matter to the regular meeting on June 14, 2016 and Commissioner Fiermonte seconded the motion. A unanimous vote followed.

Adoption of Resolutions

- **P-16-004 - 975 BROADWAY OWNER, LLC – Site: 975 Broadway in City Block 77, Lots 16-24**
 - Commissioner Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- **P-16-017 CITY OF BAYONNE – Site: Peninsula a t Bayonne Harbor, Bayonne Bay District in City Block 830, Lot 1**
 - Commissioner Perez made a motion to adopt the resolution and Commissioner Marsella seconded the motion. A unanimous vote followed.
- **P-16-018 CITY OF BAYONNE – Site East 5th Street Access Road, SE Kill Van Kull in City Block 476.01, Lots 9 & 10**
 - Commissioner Perez made a motion to adopt the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote followed.
- **P-16-008 Redevelopment Plan for property located at Constable Hook / N ew Hook Road in City Block 482, Lots 10 & 11**
 - Commissioner Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- **P-16-010 Rehabilitation Plan for property located at Block 458, Lots 12 and 13 a/k/a 206-220 Avenue E and 222 Avenue E**
 - Commissioner Marsella made a motion to adopt the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote followed.

- **P-10-001 Amended and Restated Redevelopment Plan for Scattered Site Redevelopment Project Phase II: Site 9 a/k/a 97-103 Avenue A in City Block 301.01, Lots 1-13; Block 311.01, Lot 1; Block 333.01, Lots 3-6 and Block 333.02, Lot 1**
 - Commissioner Perez 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 10:50 p.m.

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

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