



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
MAY 10, 2016**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, May 10, 2016 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Garelick called the meeting to order at 6:14 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, Marsella and Malloy. Mayor Davis and Commissioner Lawandy was absent.

Also present were Richard N. Campisano, Esq., Board Counsel, Robert Russo, PE, consulting City Engineer, James Clarkin, PP, 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 April 12, 2016 and Commissioner Perez 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 April 6, 2016 and Commissioner Perez seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Municipal Council request for the Planning Board to conduct a preliminary investigation to determine whether property located at 676-688 Avenue E in City Block 401, Lots 4, 5, 6, & 7 is a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
- Municipal Council request for the Planning Board to conduct a preliminary investigation to determine whether property known as the Texaco site in Block 332, Lot 3; Block 360, Lot 2; Block 373, Lots 1, 2, 13, 14 & 15; Block 390, Lots 1 and R667; Block 391, Lots 1&2 and Block 511, Lots 5&6 constitutes a condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
- Municipal Council request for the Planning Board to conduct a preliminary investigation to determine whether property located at 101, 103, 105 East 23rd Street; 102-106 East 24th Street and 162-170 Avenue F in City Block 445, Lots 1,2,3,4,5&7 constitute non-condemnation areas in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Resident Peter Franco asked someone to clarify for him the difference between condemnation and non-condemnation listed under communications, specific to the Texaco site.

Board Counsel Campisano explained that with respect to condemnation, there must be a finding that a governmental purpose is associated with the taking of the property. There is no need for a finding with regard to non-condemnation.

Public Hearing:

P-16-009 PRIDE OF BAYONNE LODGE NO. 461, Site: 90-92 West 20th Street in City Block 219, Lots 40 & 41 *[The applicant is seeking minor subdivision approval and bulk variances.]*

Ronald Shaljian, Esq., attorney for the applicant, briefly explained the reason the applicant is requesting a subdivision of the property. Mr. Shaljian offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, AIA, PP, PE, was sworn and accepted as an expert witness to provide testimony in support of this application. Mr. Sambade explained that the reason the applicant has filed this

subdivision is to adjust a common lot line between existing Lot 41 and existing Lot 40. The lot line adjustment will eliminate the "L" shape of existing Lot 40 and will extend the existing shared side property line between the two lots for the depth of each property, resulting in two lots that are 25' x 102.67'. Mr. Sambade further testified that the subdivision will result in conforming lots that fit in the pattern of the neighborhood. Mr. Sambade also addressed the City's consulting Engineer's comments and requests and agreed to all on behalf of the applicant. He further testified that it is his position that the applicant satisfied the zone plan and that the requested variances could be granted without any detriment or impairment to the surrounding area.

Board questions:

Chairman Garelick and City Engineer Russo questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing Remarks:

There were no comments from the general public.

Mr. Shaljian said that he relies on the testimony given and he respectfully requested the Board grant the subdivision.

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

Public Hearing:

P-16-016 MYK BUILDERS, LLC, Site: 172 Avenue F in City Block 445, Lot 6 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of a six-story building containing 19 residential units.]*

Paul Weeks, Esq., attorney for applicant, offered his exhibits into evidence and proceeded to call his first witness.

Witness:

Al Sambade, AIA, PP, PE, was sworn to provide expert testimony on behalf of this application. Prior to testifying, Mr. Sambade marked exhibit A-20, (a rendering of the proposed building) and provided handouts for the commissioners. Mr. Sambade proceeded to describe in detail the site plan the he prepared for the applicant. He talked about the amenities, building façade, material and structures that make up the architectural elements of the project. Mr. Sambade also described in detail the proposed parking garage and how the three level lift system would work. He said that the building would have an emergency generator in case of a power failure. Mr. Sambade said that security cameras would be place in and around the building.

Board questions:

Chairman Garelick asked Mr. Sambade if he could reconfigure the parking so as to eliminate the parking variance.

Mr. Sambade proposed amending the site plan in order to eliminate the parking variance by reducing the number of units from 19 to 18 and reducing the number of bedrooms in several units.

Commissioner Malloy and consulting City Engineer and Planner, Russo and Clarkin questioned Mr. Sambade.

Audience questions:

Residents Robert Krawczyk, Kathy Smith, Joseph Basil, Peter Zaloom, Mary Ellen Curtis, Scott Wasmuth, Melanie Flora, Joe Wisniewski and Robert Dodd questioned Mr. Sambade.

A short break was taken at 8:45 p.m. and the meeting resumed at 8:50 p.m. Commissioner Marsella called the roll.

Continued questioning Mr. Sambade:

Resident Janet Walczyk continued with the questioning of Mr. Sambade.

Closing Remarks:

Residents Toni Napolitano, Joe Wisniewski, Kathy Smith, Mary Ellen Curtis, Joseph Basil, Peter Franco, Robert Krawczyk, Michael Smith all commented that they believe this project would negatively impact the neighborhood and asked the Board to deny the application.

Paul Weeks, Esq., commented that this is a permitted use in that zone and the variances requested have been justified under the Municipal Land Use Law. In addition, the height, density and parking requirements have been met and Mr. Sambades testimony satisfies all negative and positive criteria.

Caucus:

Chairman Garelick said that this application, as do all applications, stands on its own merits. The area in question is indeed an area in need of redevelopment. The property as it stands today is an eyesore and this building will be an improvement.

Commissioner Malloy commented that in many ways the proposed building represents the future of Bayonne. It is an attractive type of building to out of town and in town people. However, there are some concerns with the size of units and automated parking system. Commissioner Malloy stated that he thinks tenants renting the units in the building will take a spot on the street if available which would be a negative impact to the residents in the area.

Commissioner Perez concurred with Commissioner Malloy.

Commissioner Marsella applauded the proposed parking lifts which she said are quite functional and would work fine. She said that the east side needs new development to improve the area.

Commissioner Fiermonte said she shares the opinions of all Commissioners. However, although she understands the concerns of the neighborhood, that area is in need of change. The proposed project is in keeping with the Master Plan which calls for this type of housing.

Commissioner Quintela concurred that this is a good project.

Chairman Garelick said that he has performed site inspections of the area in question and what he saw is in disrepair. The building proposed is a modern building that would be an improvement to what now exists. This building is within walking distance to the Light Rail System and it is a good project. He said that he is in favor of the project with the condition that the developer corrects or modifies his behavior with any deficiencies he has within the City.

Commissioner Marsella made a motion to approve the application and Commissioner Fiermonte seconded the motion. The following vote was taken:

- Commissioner Fiermonte AYE
- Commissioner Quintela AYE
- Commissioner Marsella AYE
- Chairman Garelick AYE
- Commissioner Malloy NAY
- Commissioner Perez NAY

Public Hearing:

P-16-013 – 230-250 AVENUE E, LLC (amended application) Site: 230-250 Avenue E in City Block 446, Lots 1-3; Block 454, Lot 2 *[The applicant is seeking to amend application P-14-011 as it relates to the parking for each building. The applicant seeks to amend and increase the number of off-street parking spaces from 45 to 96 spaces on Lot 2 and from 51 to 99 spaces on Lots 1 & 3.]*

John Zucker, Esq., attorney for applicant, described the project that was previously approved by this Board. He said that his client requested approval from the Municipal Council for a PILOT with respect to this project however, the Council denied the PILOT because of the lack of parking proposed. The applicant has now amended the plans increasing the off-street parking spaces. Mr. Zucker offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, AIA, PP, was sworn to provide expert testimony in support of this application. Mr. Sambade described the changes made to the parking lot and stated that there will be adequate parking stalls for the proposed use and aisle space which will permit vehicles to utilize those spaces without excessive maneuvering or conflict. The applicant proposes two (2) twenty-three foot wide curb cuts to service the two parking garages entrances and the City Engineer had no objection to this proposal. He also discussed pedestrian circulation in the area that is adjacent to the Light Rail Station

Board questions:

There were no questions from the Board.

Audience questions:

Residents Scott Wasmuth and Rudy Bumar questioned Mr. Sambade.

Closing Remarks:

John Zucker, Esq., said that his client is happy to offer this amendment with the additional parking and they respectfully requested the Board approve this amendment.

Caucus:

Chairman Garelick said that the amendment to this application with regard to the parking is an improvement to this project.

Commissioner Marsella made a motion to approve the amended application and Commissioner Perez seconded the motion. A unanimous vote followed.

Adoption of Resolutions

- **P-16-007 KOUVEL PROPERTY, LLC, Site: 770-772 Broadway in City Block 132, Lots 49 & 50**
 - Commissioner Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 10:15 p.m.

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

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