



**PLANNING BOARD  
CITY OF BAYONNE  
MINUTES OF REGULAR MEETING  
JUNE 14, 2016**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, June 14, 2016 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Garelick called the meeting to order at 6:10 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, Perez, Marsella, Lawandy, Malloy and Virga (mayoral designee). Mayor Davis and Commissioners Fiermonte and Quintela were 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 May 10, 2016 and Commissioner Perez seconded the motion. A unanimous vote of eligible members followed.

**Communications:**

- Letter from William J. Finnerty, Esq., requesting a one-year extension of time to begin construction on application P-14-010 MCP Associates, LP – Site: 554-556 Broadway in City Block 185, Lot 5.
  - Commissioner Garelick made the motion to grant the one-year extension and Commissioner Marsella seconded the motion.
- Letter from William J. Finnerty, Esq., requesting a six-month extension of time to begin construction on application P-08-008 RDA Realty II – Site: 756 Broadway in City Block 140, Lot 55.
  - Commissioner Garelick made the motion to grant the six-month extension and Commissioner Marsella seconded the motion.

**Public Hearing:**

A preliminary investigation to determine whether the property commonly known as Doolans/Bayonne Roofing Redevelopment at 676-688 Avenue E, which properties are identified as Block 402, Lots 4, 5, 6, & 7, as shown on the Official Tax Map of the City of Bayonne, constitutes as 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. City Planner Suzanne Mack, PP presented the Study.

No one from the general public had any questions or comments.

Commissioner Garelick made a motion to accept the Study and forward the Board's recommendation to the Municipal Council. A unanimous vote followed.

An Amended and Expanded Redevelopment Plan for the property commonly known as Doolans/Bayonne Roofing Redevelopment at 676-688 Avenue E, which properties are identified as Block 402, Lots 4, 5, 6, & 7 as shown on the Official Tax Map of the City of Bayonne pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. City Planner Suzanne Mack, PP presented the Amended and Expanded Redevelopment Plan

No one from the general public had any questions or comments.

Commissioner Marsella made a motion to forward the Board's recommendation to the City Council and Commissioner Malloy seconded the motion. A unanimous vote followed.

**Public Hearing**

A preliminary investigation to determine whether the property commonly known as Prospect at 73-78 East 32nd Street and 258- 270 Prospect Avenue, which properties are identified as Block 411, Lots 1, 6, 7, 8, 10.01, 11, 12, 13, 14, and 15 as shown on the Official Tax Map of the City of Bayonne, constitutes as 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. City Planner Suzanne Mack, PP presented the Study.

**Audience questions / comments:**

Residents Richard Colon, Melanie Flora, Joe Wisniewski, Lisa Constantine questioned / commented on the Study.

Commissioner Marsella made a motion to accept the study and forward the Board's recommendation to the Municipal Council. Commissioner Malloy seconded the motion and a unanimous vote followed.

An Amended and Expanded Redevelopment Plan for the property commonly known as Prospect at 73-78 East 32nd Street and 258- 270 Prospect Avenue, which properties are identified as Block 411, Lots 1, 6, 7, 8, 10.01, 11, 12, 13, 14, and 15 as shown on the Official Tax Map of the City of Bayonne pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. City Planner Suzanne Mack, PP presented the Amended and Expanded Redevelopment Plan.

There were no questions or comments from the general public.

Commissioner Marsella made a motion to send the Board's recommendation to the Municipal Council and Commissioner Malloy seconded the motion. A unanimous vote followed.

**Public Hearing:**

A preliminary investigation to determine whether the property commonly known as Avenue F at 101 East 23<sup>rd</sup> Street, 103 East 23<sup>rd</sup> Street, 105 East 23<sup>rd</sup> Street; East 23<sup>rd</sup> Street; 102-106 East 24<sup>th</sup> Street; and 162-170 Avenue F, which properties are identified as Block 445, Lots 1, 2, 3, 4, 5 & 7 as shown on the Official Tax Map of the City of Bayonne, constitutes as 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. City Planner Suzanne Mack, PP presented the Study.

Residents Melanie Flora, Tony Campano, Joe Wisniewski and David Drzewiecki questioned / commented on the Study.

Commissioner Marsella made a motion to accept the Study and send the Board's recommendation to the Municipal Council. Commissioner Perez seconded the motion and a unanimous vote followed.

An Amended and Expanded Redevelopment Plan for the property commonly known as Avenue F at 101 East 23<sup>rd</sup> Street, 103 East 23<sup>rd</sup> Street, 105 East 23<sup>rd</sup> Street; East 23<sup>rd</sup> Street; 102-106 East 24<sup>th</sup> Street; and 162-170 Avenue F, which properties are identified as Block 445, Lots 1, 2, 3, 4, 5 & 7 as shown on the Official Tax Map of the City of Bayonne pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. City Planner Suzanne Mack, PP presented the Amended and Expanded Redevelopment Plan.

Residenets Joe Wisniewski and David Drzewiecki questioned / commented on the plan.

Commissioner Virga made a motion to send the Board's recommendation on the Redevelopment Plan to the Municipal Council and Commissioner Marsella seconded the motion. **Commissioner Lawandy voted unfavorably to the Redevelopment Plan.**

**Public Hearing:**

**P-16-011 BAYONNE BAY DEVELOPERS URBAN RENEWAL, LLC – Site: Peninsula at Bayonne Harbor in City Block 830, Lot 1** *[The applicant is seeking General Development Plan (GDP) approval pursuant to NJSA 40:55D-45 and 45.1 with a vesting of no less than 15 years for a proposed multi-family residential project consisting of 900 residential units.]*

Stephen Barcan, Esq., attorney for applicant, said that his client has been designated the redeveloper for property and agreements have been executed with the City of Bayonne. Mr. Barcan said that this application is made to secure a vesting for 15 years. If granted this General Development application is granted, the applicant will return with site plan and subdivision applications in the future. Mr. Barcan marked his exhibits into evidence.

**Witness:**

Lisa DiGerolomo, PE was sworn to provide expert testimony in support of the application. Ms. DiGerolomo described the plans prepared by her firm. Ms. DiGerolomo offered Exhibit A-19, a google map of the Peninsula, into evidence. She described the proposed subdivision map in detail.

**Board questions:**

Chairman Garelick and Commissioners Marsella and Lawandy questioned Mr. DiGerolomo. Consulting City Engineer Andrew Raichle, PE suggested that approval if granted should be conditioned upon the applicant providing a written phasing schedule.

**Audience questions:**

Residenet Melanie Flora questioned Ms. DiGerolomo.

**Witness:**

Mark Berkowsky, AIA, was sworn to provide expert testimony. Mr. Berkowsky testified that he prepared the architectural plan for this application. Mr. Berkowsky described the plan in detail.

**Board questions:**

Consulting City Engineer Andrew Raichle, PE and City Planner Suzanne Mack, PP questioned Mr. Berkowsky.

**Audience questions:**

Resident Linda Stewart questioned Mr. Berkowsky.

**Witness:**

Arthur Bernard, PP was sworn to provide expert testimony. Mr. Bernard discussed the fiscal impact of this project to the community based upon 576 units and 900 units.

Chairman Garelick asked Commissioner Malloy to explain how a pilot works and what the concept behind a pilot is.

**Audience questions:**

Residents Tony Campano and Melanie Flora questioned Mr. Bernard.

**Witness:**

Jack Halpern was sworn as a factual witness to address security.

**Closing remarks:**

There were no final closing remarks from the applicant or the public.

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

A short break was taken at 7:54 pm and the meeting resumed with a roll call at 8:07 pm.

**Public Hearing (continuation):**

**P-15-026 – 124 WEST 5<sup>TH</sup> STREET, LLC – Site: 124 West 5<sup>th</sup> 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.]* (This application was continuing from the April 12, 2016 regular meeting)

John Zucker, Esq., attorney for the applicant called his first witness.

**Witness:**

Al Sambade, AIA, PP, was sworn and gave brief overview of the issued from the April 12, 2016 meeting. Mr. Sambade described the revisions made to the plans. He said that the applicant has reduced the number of proposed homes from five to four. He said by reducing the number of homes also reduces the number of variances required. Mr. Sambade addressed the most recent comments made by the City Engineer and City Planner.

**Board questions:**

Chairman Garelick commended the applicant for revising his original proposal to meet the Board's concerns. Mr. Russo commented that the applicant has addressed all of the comments in his report.

**Audience questions:**

Resident Elizabeth Judowski questioned Mr. Sambade.

**Closing Remarks:**

John Zucker, Esq., attorney for the applicant respectfully requested the Board approve this application.

There were no closing remarks from the general public.

Commissioner Marsella commented that the Board appreciates that the applicant worked to address the Board's concerns.

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

**Public Hearing:**

**P-16-015 SHAWKI KHALIL – Site: 557-561 Broadway in City Block 183, Lot 16** *[The applicant is seeking preliminary and final major site plan approval to permit the conversion of the second floor of the existing building from commercial to four residential apartments. Bulk variances for parking and usable open space is required.]*

The applicant appeared before the Board pro se with his architect presenting testimony in support of this application.

**Witness:**

Alan Feld AIA, was sworn to provide expert testimony. Mr. Feld testified that he was retained by the applicant to prepare the site plan for this application. He described the described the plan prepared by him. Mr. Feld said that the interior changes were to create four (4) residential units, each with two (2) bedrooms on the second floor of the building, while the existing commercial space on the ground floor remaining the same. In addition, Mr. Feld testified as to the functional use of the units and how the design was indicated to minimize its effect on the surrounding area. Mr. Feld described the surrounding area indicating there was open space available for the application to comply with the Zoning Ordinance requirements and the parking issues are preexisting conditions. Mr. Feld testified that there are many recreational uses in the area as well as municipal open spaces, so the applicant's inability to provide same is mitigated by these uses.

**Board questions:**

Chairman Garelick asked Mr. Feld to describe the differences from this application from the previous application that was filed by his partner and denied by this Board. Commissioner Clarkin questioned Mr. Feld as did consulting City Planner Clarkin.

**Audience questions:**

There were no questions from the general public.

There were no closing remarks from either the applicant or the general public.

Commissioner Marsella made a motion to approve this application subject to any and all conditions agreed to and spread across the record. Commission Malloy seconded the motion and a unanimous vote followed.

**Adoption of Resolutions**

- **P-16-009 PRIDE OF BAYONNE LODGE NO. 461, Site: 90-92 West 20<sup>th</sup> Street in City Block 219, Lots 40 & 41**
  - Commissioner Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- **P-16-016 MYK BUILDERS, LLC, Site: 172 Avenue F in City Block 445, Lot 6**
  - Commissioner Garelick made a motion to adopt the resolution and Commissioner Malloy seconded the motion. A unanimous vote followed.
- **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**
  - Commissioner Garelick made a motion to adopt the resolution and Commissioner Marsella seconded the motion. A unanimous vote followed.
- **P-08-008 RDA REALTY, LLC – Site: 748-756 Broadway in City Block 140, Lots 56, 57, 58 (Resolution Extension of Time within which to begin construction)**
  - Commissioner Marsella made a motion to adopt the resolution and Commissioner Virga seconded the motion. A unanimous vote followed.
- **P-14-010 MCP ASSOCIATES, LP – Site: 554-556 Broadway in City Block 184, Lot 5 (Resolution Extension of Time within which to begin construction)**
  - Commissioner Garelick made a motion to adopt the resolution and Commissioner Marsella seconded the motion. A unanimous vote followed.
- Resolution on Redevelopment Study for 676-688 Avenue E, which properties are identified as Block 402, Lots 4, 5, 6, & 7

- Chairman Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- Resolution on Redevelopment Plan for 676-688 Avenue E, which properties are identified as Block 402, Lots 4, 5, 6, & 7
  - Chairman Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- Resolution on Redevelopment Study for Prospect at 73-78 East 32nd Street and 258- 270 Prospect Avenue, which properties are identified as Block 411, Lots 1, 6, 7, 8, 10.01, 11, 12, 13, 14, and 15
  - Chairman Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- Resolution for Redevelopment Plan for Prospect at 73-78 East 32nd Street and 258- 270 Prospect Avenue, which properties are identified as Block 411, Lots 1, 6, 7, 8, 10.01, 11, 12, 13, 14, and 15
  - Chairman Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- Resolution for Redevelopment Study for Avenue F at 101 East 23<sup>rd</sup> Street, 103 East 23<sup>rd</sup> Street, 105 East 23<sup>rd</sup> Street; East 23<sup>rd</sup> Street; 102-106 East 24th Street; and 162-170 Avenue F, which properties are identified as Block 445, Lots 1, 2, 3, 4, 5 & 7
  - Chairman Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- Resolution for Redevelopment Plan for Avenue F at 101 East 23<sup>rd</sup> Street, 103 East 23<sup>rd</sup> Street, 105 East 23<sup>rd</sup> Street; East 23<sup>rd</sup> Street; 102-106 East 24th Street; and 162-170 Avenue F, which properties are identified as Block 445, Lots 1, 2, 3, 4, 5 & 7
  - Chairman 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 10:40 p.m.

Susan Bischoff, Certified Shorthand Reporter, 449 Columbia Boulevard, Wood-Ridge, NJ

07075 took a transcript of the meeting.

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