



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
AUGUST 9, 2016**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, August 9, 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, Marsella, Lawandy, Malloy, Perez, and Becker. Mayor Davis and Commissioner 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 Alicia Losonczy, Clerk.

Adoption of Minutes:

Chairman Garelick made a motion to adopt the minutes of the regular meeting held on July 12, 2016 and Commissioner Marsella seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Municipal Council request for the Planning Board to prepare a Redevelopment Plan for property located at 171-181 LeFante Way and 191 LeFante Way in City Block 412, Lots 1.01, 2.01, 2.021, 2.022 and 2.03.

Public Hearing:

P-16-012 – 91 EVERGREEN, LLC – Site: 91-93 Evergreen Street in City Block 322, Lot 10 *[The applicant is seeking minor subdivision approval as well as preliminary and final major site plan approval and bulk variance relief to construct two new two-family homes on the subdivided lots.]*

Christopher Vitale, Esq, attorney for the applicant appearing. In his opening statement, Mr. Vitale said that Paul LaBruno is the Principal of this property. He also described him as the owner of 5th Street Deliette. Mr. Vitale then offered his exhibits into evidence and called his first witness.

Witness:

Paul LaBruno, principal of applicant, was sworn to provide factual testimony in support of the application. He described the subject property and proposed project.

Board questions:

The Commissioners did not have any questions for Mr. LaBruno.

Audience questions:

No one from the general public had any questions of Mr. LaBruno.

Witness:

Donald Chin, Architect, was sworn to provide expert testimony in support of the application. Mr. Chin testified that he was retained by the applicant to prepare the site plan for this project. He proceeded to describe the plans prepared by him.

Board Questions:

Chairman Garelick questioned Mr. Chin.

Audience questions:

No one from the general public had any questions of Mr. Chin.

Witness:

John McDonough, P.P, was sworn to provide expert planning testimony in support of the application. He described the surrounding area and said that this project would have a positive effect to the surrounding area.

Board Questions:

Chairman Garelick, consulting City Planner Clarkin and consulting City Engineer Russo questioned Mr. McDonough.

Audience questions:

No one from the general public had any questions of Mr. McDonough.

Closing Remarks:

Christopher Vitale, Esq., attorney for the applicant, relied on the expert testimony and respectfully requested the Board look favorably upon this application.

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

Public Hearing

P-16-027 DURAPORT REALTY FOUR, LLC – Site: East 5th Street in City Block 476.01, Lot 10.01 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of a flex building and office building at the site.]*

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

Witness:

Anthony D’Agosta, Architect, was sworn to provide expert testimony in support of the application. He testified that he was retained by the applicant to prepare the plans for this project. Mr.

D'Agosta described the surrounding area and discussed how the proposed building would fit in the area.

Board questions:

Chairman Garelick questioned Mr. D'Agosta.

Audience questions:

Resident Melanie Flora questioned Mr. D'Agosta.

Witness:

Dennis Palmer, IMT Steel Employee, was called and sworn to provide factual testimony in support of the application. He discussed the type of business proposed, hours of operation, security measures, and number of employees.

Board Questions:

Chairman Garelick, consulting City Planner Clarkin and consulting City Engineer Russo questioned Mr. Palmer.

Audience questions:

No one from the general public had any questions of Mr. Palmer.

Witness:

Johnathan Istranyi, Project Engineer, was sworn to provide expert testimony in support of the application. Mr. Istranyi described the area and explained how the proposed use of the structure would operate at the site. He also discussed the proposed security for the building and stated that the building would meet fire safety standards. Mr. Istranyi addressed the requested variances as well as the comments offered by our consulting City Engineer and Planner. He testified that the applicant meets the fire safety standards and it is his professional opinion that this application would not have a negative effect in the area or City as a whole.

Board Questions:

Chairman Garelick, consulting City Engineer Russo, and consulting City Planner Clarkin also questioned Mr. Istranyi.

Audience questions:

Mike Ruscigno questioned Mr. Istranyi.

Witness:

John McDonough, P.P., was sworn to provide expert testimony in support of the application. Mr. McDonough described the surrounding area, proposed project and how this project would benefit the area. He provided testimony of how this structure would fit without any detriment to the surrounding area.

Board Questions:

Chairman Garelick, consulting City Engineer Russo, and consulting City Planner Clarkin questioned Mr. Istranyi.

Audience questions:

Mike Ruscigno questioned Mr. Istranyi.

Closing Remarks:

Chairman Garelick commented that he was glad about the jobs this project would create.

Patrick J. McNamara, Esq., attorney for the applicant, relied on the expert testimony and respectfully requested the Board look favorably upon this application.

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

Public Hearing:

P-16-030 - 195 EAST 22ND STREET URBAN RENEWAL, LLC (Amended Application) – Site: 195 East 22nd Street in City Block 452.01, Lots 1.03 & 9 *[The applicant is seeking amended site plan approval to allow the expansion of the previously approved multi-tenant building that was approved under application no. P-15-002.]*

Patrick McNamara, Esq, attorney for the applicant gave a brief background of the previous application approved by this board and said that this was an amendment to that application. He offered his exhibits into evidence and called his first witness.

Witness:

Jeffrey Martell, P.E., was sworn as an expert witness in support of the application. Mr. Martell described the recycling concrete product that will be used at the site and explained how it would be disposed of. In addition, he addressed public safety measures.

Board questions:

Chairman Garelick and Commissioner Marsella questioned Mr. Martell.

Audience questions:

Resident Mike Ruscigno questioned Mr. Martell.

Witness:

John McDonough, PP, was sworn to provide expert planning testimony in support of the application. He said that there would be no negative impact to the area if this application is approved.

Board Questions:

The Commissioners did not have any questions for Mr. McDonough.

Audience questions:

No one from the general public had any questions of Mr. McDonough.

Closing Remarks:

Patrick J. McNamara, Esq., attorney for the applicant, said that he relies on the expert testimony and respectfully requested the Board look favorably upon this application.

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

Public Hearing:

P-16-025 BB BAYONNE, LLC – Site: 140 Avenue B; 138 Avenue B; 103 West 44th Street; 101 West 44th Street in City Block 84, Lots 6 – 10 respectively *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of a 4.5 story residential building with 24 residential units and 24 onsite parking spaces.]*

Michael Miceli, Esq, attorney for the applicant briefly summarized the proposed application. He then offered his exhibits into evidence and called his first witness.

Witness:

Anwar Alkhatib, Architect, was sworn to provide expert testimony in support of the application. Mr. Alkhatib testified that he was retained by the applicant to prepare the architectural plans for this application. He proceeded to describe the plans to the Board.

Board questions:

Chairman Garelick questioned Mr. Alkhatib.

Audience questions:

Assadallah Behreini and Susan Awad questioned Mr. Alkhatib.

Witness:

William Stimmel, P.E., traffic engineer, was sworn to provide expert testimony in support of the application. Mr. Stimmel testified that he prepared a Traffic Impact Analysis for the application. It was Mr. Stimmel's expert opinion that the proposed development will not adversely affect traffic in the

area. The applicant is providing sufficient parking and circulation to accommodate the volume of traffic expected.

Board Questions:

Chairman Garelick, Commissioners Lawandy and Marsella and consulting City Engineer Russo questioned Mr. Stimmel.

Audience questions:

No one from the general public had any questions of Mr. Stimmel.

Witness:

John McDonough, P.P., was sworn to provide expert testimony in support of the application. He described the surrounding area, proposed project and how this project would benefit the area.

Board Questions:

The Commissioners did not have any questions for Mr. McDonough.

Audience questions:

No one from the general public had any questions for Mr. McDonough.

Closing Remarks:

Patrick J. McNamara, Esq., attorney for the applicant in closing, relied on the expert testimony provided and respectfully requested the Board approve this application.

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

Adoption of Resolutions

- **P-16-019 – 191 BROADWAY, LLC – Site: 191 Broadway in City Block 318, Lot 20**
 - Commissioner Marsella made a motion to adopt the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.

- **P-14-008 – WATERFORD AT BAYONNE, LLC - Site: 28 – 58 Kennedy Boulevard in City Block 363, Lot 1.01**

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

A motion was made by Commissioner Marsella to close the meeting at 10:40 p.m.

Commissioner Perez seconded the motion.

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

/akl