



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
JANUARY 10, 2017**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, January 10, 2017 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, Marsella, Malloy, Quintela and Becker. Mayor Davis, and Commissioner Lawandy were absent.

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

Adoption of Minutes

Commissioner Marsella made a motion to adopt the minutes of the regular meeting held on December 13, 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 January 4, 2017 and Commissioner Perez seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Municipal Council authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether properties located at Avenue E and 25th Street in Block 191, Lot 5.02 and 306-322 Avenue E in Block 440, Lots 3, 4 & 5 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.
- Letter from Bret Kaplan, Esq., general counsel to P-14-008 Waterford at Bayonne, LLC, 38-44 Kennedy Boulevard in City Block 363, Lot 1.01 requesting another one-year extension to allow the temporary signage approved by this Board in 2014.
 - Mr. Campisano noted that the applicant requested two extensions previously and suggested that the applicant make an appearance to explain in depth the request for an additional extension. The Board agreed and asked that the Board administrator notify the applicant of same.

Public Hearing:

P-16-042 FIRST DEVELOPERS, LLC – Site: 295 Broadway in City Block 264, Lot 21
[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the constructions of a new three-story mixed-use building on the site.]

William J. Finnerty, Esq., attorney for the applicant said that the site was destroyed by fire a few years ago and the applicant is seeking to rebuild a new three-story mixed use building. Mr. Finnerty moved the exhibits into evidence and called first witness:

Witness:

Al Sambade, RA was sworn to provide expert testimony on behalf of the application. Mr. Sambade said that he was retained by the applicant to prepare the site plan. He described the site as vacant due to a fire. He said that the applicant is proposing to construct a three-story mixed use building containing commercial on the first floor with four residential apartments above. Four parking spaces will also be provided for the residents. Mr. Sambade further testified that residential units will

range from 800 to 830 square feet. He addressed the comments of our professionals and provided testimony in support of the requested variances. He also discussed the materials to be used in the construction of the building.

Board questions:

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

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Finnerty said that he would rely on the testimony of his expert witness and he asked the Board to approve this application.

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

Public Hearing:

P-16-032 RSB HOLDINGS, LLC – Site 424 Avenue E in City Block 409, Lot 1 *[The applicant is seeking preliminary and final major site plan and bulk variance approval to convert the ground floor of the existing building to two residential units.]*

Leonard P. Kiczek, Esq., attorney for applicant, said that the applicant wishes to convert the existing building from mixed use to all residential units. Mr. Kiczek offered his exhibits into evidence and called his first witness.

Witness:

Radka Dubcakova, principal of the applicant, was sworn to provide factual testimony in support of the application. Ms. Dubcakova testified that they have tried for a long time to rent the commercial space, but have been unable to do so. That is why they have decided to seek permission

from this Board to convert the building to all residential. There is no parking on site and no properties in the surrounding area to purchase for parking.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Witness:

Andrew Podberezniak, R.A. was sworn to provide expert testimony. Mr. Podberezniak stated that he prepared the site plan for this application. He described the existing building, the proposed conversion, setbacks and parking. Mr. Podberezniak testified that there would not be a big change to the exterior of the building and the applicant will keep the storefront architecture.

Board questions:

Chairman Garelick and City Planner Clarkin questioned Mr. Podberezniak.

Audience questions:

There were no questions from the general public.

Witness:

Eric Griffith, PP, was sworn to provide expert planning testimony in support of this application. Mr. Griffith testified that the granting of a change of use and parking variance would not cause any detriment to the public good. New residents of the proposed units will have the benefit of an area with great walkability. The Hudson Bergen Light Rail Stations are nearby on Avenue E, located at East 34th Street and East 22nd Street. Bus routes and downtown shopping/dining is available one block away along Broadway. The neighborhood along Avenue E is predominately residential and the proposed change of use is consistent with the character of the existing neighborhood. Mr. Griffith further

testified that the granting of the variance would not impair the intent and purpose of the City of Bayonne Zoning Ordinance and is consistent with the goals outlined in the Bayonne Master Plan.

Board questions:

Chairman Garelick questioned Mr. Griffith.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Leonard P. Kiczek, Esq. respectfully requested the Board approve the application.

Chairman Garlick said that the granting of this application will not have a negative impact on the neighborhood or surrounding area.

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

Public Hearing:

P-16-043 MIROSLAW SLOWIKOWSKI – Site: 83 Prospect Avenue in City Block 447, Lot 12.04 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to convert the existing home to a three-family residence.*

Anthony X. Arturi, Esq., attorney for applicant offered his exhibits into evidence and called his first witness.

Witness:

Robert Slowikowski, the applicant's son was sworn to provide factual testimony in support of this application. Mr. Slowikowski testified that his parents have lived in Bayonne for 39 years and at the present address for 21 years. He described the layout of the house and said that his aging parents are having difficulty walking up and down stairs and are desirous of moving onto the ground floor.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Witness:

Jose Carballo, RA was sworn to provide expert testimony on behalf of the application. Mr. Carballo testified that he was retained by the applicant to prepare the site plan for this application. He described the plan and existing structure as well as the proposed changes. He said that no expansion or extension to the existing building is being proposed. Mr. Carballo also provided testimony in support of the requested variances.

Board questions:

Chairman Garelick and consulting City Planner Clarkin questioned Mr. Carballo.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Arturi relied on the testimony given and respectfully requested the Board approve the application.

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

A short break was taken at 7:09 p.m. and the meeting resumed at 7:26 p.m. Commissioner Marsella called the roll.

Public Hearing:

P-16-044 NORTH STREET PROPERTIES, LLC – Site: 105.5 North Street in City Block 295, Lots 16 & 17 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of a six-story multi-family residential apartment building consisting of 72 residential dwelling units with 91 parking spaces.]*

Michael Miceli, Esq., attorney for applicant described in his opening briefly described the proposed project. He offered his exhibits into evidence and called his first witness:

Witness:

Robert Waldron, the architect who prepared plans was sworn in to provide expert testimony. Mr. Waldron described the existing condition of the property as well as the surrounding area. He testified that the proposed building will be four stories of residential units over a two level parking garage. He discussed how the garbage and recycling would be handled. He testified that the parking spaces will be reduced to ninety (90) because of an electrical utility containment area which will be located in the garage. Mr. Waldron also addressed the requested variances and the need for same. He said that the building will have a fulltime supervisor who will handle the trash and security cameras.

Board questions:

Chairman Garelick and consulting City Planner Clarkin questioned Mr. Waldron

Audience questions:

Resident John Butters was concerned with the handling of trash and the trash pick-up collection days.

Witness:

Mark Chisvette, PE was sworn to provide expert testimony. Mr. Chisvette testified that the applicant retained him to prepare the engineering plans. He described the existing and the proposed conditions of the property. He testified to the sidewalk, landscaping, open space and drainage. Mr.

Chisvette addressed the City planner and engineer's reports. He agreed to repair the retaining wall if necessary, as requested by the City's staff.

Board questions:

Chairman Garelick and City Engineer Russo questioned Mr. Chisvette.

Audience questions:

There were no questions from the general public.

Witness:

Craig Peregoy, PE, traffic engineer, was sworn to provide expert testimony. Mr. Peregoy described the site and its location and how access would be provided with one full movement driveway along North Street. He discussed the existing site conditions, amount of new traffic expected to be generated and the process used to develop a safe and efficient plan. He reviewed the level of service indicating the traffic generation would operate at a favorable level of service. He said that the project's driveway and internal circulation have been designed to operate in a safe and efficient manner. He testified further that the proposed parking supply and design is sufficient to support the maximum demand of this site. Since the application complies with the Redevelopment Plan Mr. Peregoy feels that the de minimis exception from the Residential Site Improvements Standards (RSIS) is justified.

Board questions:

Chairman Garelick questioned Mr. Peregoy.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, PP was sworn to provide expert planning testimony. Mr. McDonough described the project as being a transit targeted development that is density appropriate and fully

complies with the Rehabilitation Plan. He said that he reviewed the variances requested and feels that they can be granted as the project on balance would benefit the City as a whole and that the relief needed was not substantial. Mr. McDonough said that the proposed building provides provisions for light, air and open space. He testified that this project will vitalize a vacant site.

Board questions

There were no questions from the Board.

Audience questions

There were no questions from the general public.

Closing Remarks

Mr. Miceli in closing stated that this is a good application that will improve a lot that has been empty for many years. He respectfully requested the Board look favorably on this application.

Chairman Garelick opined that this lot has not been utilized in over a decade. The proposed building is beautifully designed and will complement the neighborhood. The variance requested is de minimis and will not have a detrimental effect on the neighborhood because of the number of bedrooms and there does not appear to be any traffic problems in this neighborhood.

Commissioners Marsella, Perez, Malloy, Becker, Fiermonte and Quintela concurred with Chairman Garelick.

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

Adoption of Resolutions

- **P-16-046 – PARKVIEW REALTY HOLDINGS, LLC - Site: 162-170 Avenue F in City Block 445, Lots 1, 2, 3, 4, 5 &7**
 - Commissioner Marsella made a motion to approve the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:25 p.m.

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

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