



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
MAY 09, 2017**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, May 9, 2017 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Garelick called the meeting to order at 6:08 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.

Board attorney Richard Campisano called the roll. Present at the meeting were, Chairman Garelick, Commissioners Fiermonte, Perez, Malloy, Lawandy, Quintela, Becker, Valado and mayoral designee John Milan Sebik. Mayor Davis was absent.

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

Adoption of Minutes

Commissioner Fiermonte made a motion to adopt the minutes of the regular meeting held on April 11, 2017 and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Municipal Council resolution authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether property located at 105 East 24th Street and 107-113 East 24th Street in Block 443, Lots 3 & 5.01 constitute 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 resolution authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether property located at North Street and identified as Block 295, Lots 16 & 17 is an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
- Municipal Council resolution authorizing the Planning Board to prepared a redevelopment plan for property located at 794 Avenue E in City Block 393, Lot 18 a/k/a Russell Golding Park
- Municipal Council resolution authorizing and directing the Planning Board to prepare an Amended Redevelopment Plan for the Route 440 West redevelopment area.
- Municipal Council resolution authorizing and directing the Planning Board to prepare a redevelopment plan for property located at Second Street (paper street) from Avenue A Westerly to Newark Bay pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
- Memorandum from Honorable James M. Davis, Mayor appointing John Milan Sebik as Class I designee.

Appearance:

P-14-008 Waterford at Bayonne – Site: 38-44 Kennedy Boulevard

Bret Kaplan, Esq., appearing on behalf of his client “Waterford at Bayonne” to explain why the applicant is requesting another extension of time to permit the “temporary” banner sign at this location.

Chairman Garelick suggested that the Board grant the applicant a one-year extension and made the motion. The motion was seconded by Commissioner Fiermonte and a unanimous vote followed.

Public Hearing:

An Amendment as an Overlay to the Scattered Site 14: Route 440 West Redevelopment Plan for the Property identified as Block 452.02, Lots 3-9, 11 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05 as shown on the Official Tax Map of the City in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.

Presentation by Suzanne Mack, PP, City Planner.

Lisa John-Basta, Esq., attorney for developer stated that the developer will be offering jobs first to Bayonne residents.

Board questions / comments:

Chairman Garelick and Commissioners Sebik, Malloy, Lawandy and Valado questioned Ms. Mack.

Audience questions:

Residents Dawn Sysak, Michael Smith, Melanie Flora, Kathy Smith questioned Ms. Mack. Jonathan Gouldin, Esq.,

Resident comments:

Dawn Sysak and Jonathan Gouldin, Esq. (Clarke Gouldin) argued that this is not a good plan and would not be beneficial or a suitable use for this site. Michael Smith, Mike Rusigno, Kathy Smith, and Stephen Sysak also commented.

Board comments:

Commissioners Lawandy, Quintela, Fiermonte, Malloy, Valado, Garelick commented on the plan.

Commissioner Garelick suggested that the Board forward its recommendation to the Municipal Council to adopt the plan taking into consideration the concerns of the residents with regard to noise, hours of operation and the aesthetic component of the proposed structure as well as State rejection of pollution and compliance with the City Ordinance as to manufacturing facilities. The following is the Board's recorded vote on this matter:

Commissioners Garelick, Fiermonte, Valado, Malloy, Quintela and Sebik voted in favor of the plan. Commissioner Lawandy abstained.

A short break was taken at 7:54 p.m. and the meeting resumed at 8:05. Mr. Campisano called the roll.

Public Hearing:

A Redevelopment Plan for the property located at 537-543 Broadway which property is identified as Block 189, Lot 24 as shown on the office tax map of the City of Bayonne (McDonald's Corporation)

Presentation by Suzanne Mack, PP, City Planner.

Board questions / comments:

Chairman Garelick expressed concern about allowing a driveway on Broadway. He said that the amount of pedestrian traffic on Broadway has increased over the years especially in that general area. People walk inattentive to their surroundings while using cell phones and just not paying attention.

Commissioner Sebik agreed with Chairman Garelick that people walking in that area do not pay attention. Allowing a driveway on Broadway would be detrimental to the public.

Commissioner Valado said that there is an additional concern because of the number of schools in that area.

Commissioner Malloy said that we are faced with an unusual reality. This particular McDonalds has become a focal point in the City. He said he is happy to see that McDonald's is committed to remain in the City, but he also shares his fellow commissioners' concerns with regard to allowing a driveway on Broadway. He commented further that aesthetically this is going to be an improvement for the City.

Commissioner Fiermonte shared the same concerns as her fellow commissioners regarding the proposed driveway on Broadway.

Commissioner Lawandy was concerned about the loss of parking spots on the street.

Audience questions:

Resident Francesco Alessi said that minimizing the intensity of the traffic in the existing driveway area of the adjacent apartment building to the McDonalds would be helpful. Michael Miceli, Esq., the attorney for McDonalds spoke in favor of the proposed rehabilitation plan.

Joseph Sparone, P.E., the engineer for McDonalds, spoke to the safety of the proposed new driveway entrance and exits.

Commissioner Garelick made a motion to forward its recommendation along with the Board's concerns to the Municipal Council and Commissioner Fiermonte seconded the motion. A unanimous vote followed.

Public Hearing:

P-17-004 YAKSOK MANAGEMENT, LLC – Site: 977-981 Broadway in City Block 70, Lots 21 & 22 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to construct a medical office building consisting of a Diagnostic and Behavioral Services Center.]*

Joseph A. Pojanowski, III, Esq., attorney for the applicant, briefly described the former use of the property and the relief being sought for this project. He offered his exhibits into evidence and called his first witness.

Witness,

David Park, the owner of the property was called and sworn to provide factual testimony in support of the application. Mr. Park testified that a primary care medical practice is being proposed. He said that if the Board grants approval, the building will contain a diagnostic lab on the first floor and behavioral health care suites that will be independently owned on the second floor of the building. He added that most employees of the medical facility live in Bayonne and take public transportation to work.

Board:

Chairman Garelick, Commissioner Malloy and City Planner James F. Clarkin questioned Mr. Park.

Witness:

Al Sambade, A.I.A. was sworn to provide expert testimony in support of this application. Mr. Sambade described the property and proposed building. He addressed the proposed parking and how it would work. Mr. Sambade further addressed the requested variances and said that it is his professional opinion that they could be granted because the project would benefit the City as a whole and the relief needed was de minimis.

Board questions:

Commissioners Sebik and Lawandy questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing:

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

Chairman Garelick opined that this is a beautifully designed building that is consistent with the Master Plan and fills a vacant parcel within that neighborhood. Also, it will add another five or six jobs.

Commissioner Sebik made a motion to approve the application subject to the conditions spread across the record. Commissioner Fiermonte seconded the motion and a unanimous vote followed.⁹⁸

Public Hearing:

P-17-001 BROADWAY PARTNERSHIP, LLC – Site: 536 Broadway in City Block 190, Lot 9 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief*

to construct a mixed use building with commercial on the ground floor and four apartments on the upper floors.]

John Zucker, Esq., attorney for applicant, said that the property in question has been underutilized and vacant due to a fire on the site a long time ago.

Witness:

Al Sambade, AIA, PP PE, was sworn to provide expert testimony in support of the application. Mr. Sambade described the location of the property and proposed project from the site plan prepared by his firm. He provided expert testimony in support of the requested variances and addressed the comments from our city planner and city engineer. He said that in his opinion, while there is a lack of parking provided, the use meets the intent and purpose of the Scattered Sites Redevelopment Plan.

Board questions:

Commissioner Sebik and City Planner Clarkin questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Mr. Zucker respectfully requested the Board approve this application

Chairman Garelick commented that the developer of this property has a good track record with the City with other projects and he appreciates his involvement and investment in the City.

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

Adoption of Resolutions

- **P-17-002 FIRST DEVELOPERS, LLC – Site: 439 Avenue C in City Block 224, Lot 24**
 - Commissioner Malloy made a motion to approve the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote followed.
- **P-16-041 SUN MEN YAU – Site: 448 Avenue E in City Block 409, Lot 12**
 - Commissioner Fiermonte made a motion to approve the resolution and Commissioner Malloy seconded the motion. A unanimous vote followed.
- **P-15-025 KRE Fleet Bayonne Urban Renewal, LLC – Request for administrative approval – Site: Harbor Station North; Block 600, Lots 1 & Block 630, Lot 1**
 - Commissioner Fiermonte made a motion to approve the resolution and Commissioner Malloy seconded the motion. A unanimous vote followed.
- An Amendment as an Overlay to the Scattered Site 14: Route 440 West Redevelopment Plan for the Property identified as Block 452.02, Lots 3-9, 11 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05 as shown on the Official Tax Map of the City in accordance with the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.
 - Commissioner Malloy made a motion to approve the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote followed.
- A Redevelopment Plan for the property located at 537-543 Broadway which property is identified as Block 189, Lot 24 as shown on the office tax map of the City of Bayonne (McDonald's Corporation)
 - Commissioner Malloy made a motion to approve the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 10:00 p.m.

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

07075 took a transcript of the meeting.

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