



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
SEPTEMBER 12, 2017**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, September 12, 2017 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.

Commissioner Malloy called the roll. Present at the meeting were, Chairman Garelick, Commissioners Malloy, Perez, Quintela, Becker, Lawandy Valado and John Sebik, mayoral designee. Commissioner Fiermonte and Mayor Davis were absent.

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

Adoption of Minutes

Commissioner Perez made a motion to adopt the minutes of the regular meeting held on August 8, 2017 and Commissioner Valado seconded the motion. A unanimous vote of eligible members followed.

Commissioner Perez made a motion to adopt the minutes of the special meeting held on August 15, 2017 and Commissioner Valado 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 certain property located at 43-45 West 32nd Street in Block 145, Lot 1 constitutes a non-condemnation area in need of redevelopment.
- Municipal Council Resolution authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether certain property located at 115-117 West 2nd Street, Block 365, Lot 9 constitutes a non-condemnation area in need of redevelopment.
- Municipal Council Resolution authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether certain property identified as Block 394.02, Lot 1 constitutes a non-condemnation area in need of redevelopment.
- Municipal Council Resolution authorizing and directing the Planning Board to prepare a rehabilitation plan for property located at 63-67 New Hook Road, Block 416, Lot 3.
- Municipal Council Resolution authorizing and directing the Planning Board to prepare an overlay plan for a portion of Scattered Sit 14 Redevelopment Plan for property located at 103-143 East 22nd Street and 43-75 Mechanic Street, Block 451, Lots 1.01 & 2.05.
- Municipal Council Resolution authorizing the Planning Board to prepare a rehabilitation plan for property located at 39-43 West 25th Street & 45 West 25th Street, Block 183, Lots 1 & 2.01.
- Municipal Council Resolution authorizing the Planning Board to prepare a rehabilitation plan for property located at 738 Avenue E and 742 Avenue E, Block 393, Lots 4 & 5.

Public Hearing:

P-17-018 – PSIP AVENUE A, LLC – Site: 99 Avenue A in City Block 301.01, Lot 7; Block 310, Lots 1-9, 11-13; Block 311.01, Lot 1; Block 333.01, Lots 1-6 and Block 333.02, Lot 1 *[The applicant is seeking preliminary and final major subdivision and preliminary and final major site plan approval to allow the construction of a new warehouse facility with associated parking lots, driveways, loading areas and sidewalks.]*

Meryl A.G. Gonchar, Esq., attorney for applicant property, stated that the property in question is often referred to as the former Best Foods site. She said that the applicant is seeking major subdivision and site plan approval to allow the rehabilitation of the existing building and the construction of a new warehouse with associated parking lots, driveways, loading areas and sidewalks. Ms. Gonchar also stated that the application complies with the standards of the Redevelopment Plan.

Witness:

Beth Kenderdine, PE of Edwards Engineering Group, Inc. was sworn to provide expert testimony in support of the application. Mr. Kenderdine described the location of the property and the existing conditions at the site and surrounding area. She described the proposed subdivision and said that the purpose of the subdivision is to separate the existing warehouse building from the rest of the property. The existing warehouse building is the only structure that will remain on the site. A new warehouse will be constructed. Ms. Kenderdine discussed the parking associated with the lots, the driveways, loading areas, lighting, security and stormwater management. She said that the applicant will work with the City Engineer to comply with the City's preferences for landscaping.

Board questions:

Chairman Garelick and Commissioner Sebik questioned Ms. Kenderdine as did City Engineer Andrew Raichle, consulting City Engineer Rob Russo and consulting City Planner, Donald Meisel.

Audience questions:

Residents Louis Ripps, owner of Palmer Asphalt, Ron Prezioso, Antonio Nardini and Iwana Babiarczyk questioned Ms. Kenderdine.

Witness:

William Bannister AIA, was sworn and recognized as an expert witness. Mr. Bannister testified that that his firm prepared the plans that were submitted for the proposed improvements. Mr. Bannister produced a rendering of the existing and proposed new building on the lots. He described the proposed improvements to the building existing and the location of the parking for the new building. He said that the exterior of the building will be constructed of concrete paneling aluminum and glass that will be a neutral color. Mechanicals will be centrally located on the roof but will not be noticeable from the street. There will be chain link fencing around the building.

Board:

Consulting City Planner Meisel and consulting City Engineer Raichle questioned Mr. Bannister.

Audience questions:

Residentes Mike Rusigno and Antonio Nardini questioned Mr. Bannister.

A short break was taken at 7:37 p.m. and the meeting resumed at 7:49 p.m. The roll was called.

Witness:

Karl Pehnke, VP of Langan Engineering and a licensed traffic engineer was sworn to provide expert testimony. Mr. Pehnke testified that he prepared the traffic impact study for the project. He talked about the investigation that was undertaken for the study. He testified to the existing conditions, traffic volumes and long term traffic projections. Mr. Pehnke said that the applicant is amenable to future monitoring of the traffic in the area after a use has been chosen for the site. In conclusion, Mr. Pehnke said that the proposed project will not significantly change the traffic operations in the area during peak hours.

Board questions:

Chairman Garelick and City Planner Sue Mack questioned Mr. Pehnke.

Audience questions:

Resident Louis Ripps, said he has an issue with ingress and egress from 5th Street and Bayview Court and suggested that the entrance to the site should be from 4th Street. Residents Ron Prezioso, Van Ripps and Mike Rusigno also questioned Mr. Pehnke.

Closing Remarks

Meryl A.G. Gonchar, Esq., in closing said that the applicant is in full compliance with the Redevelopment Plan and the landscaping will be planted with the approval of the City's consultants.

She said that the applicant has established that traffic will not be significantly impacted and will function in a safe and existing manner. The proposed development will provide an attractive building that will generate jobs and revitalize an area that has been vacant for many years. She pointed out that it will be beneficial to the community and City as a whole. Ms. Gonchar respectfully requested the Board to look favorably upon this application.

Audience statements:

Resident Ron Prezioso and Louis Ripps were not in favor of the application.

Commissioner comments:

Commissioner Sebik opined that this application will result in a revitalization of an underutilized area and will create jobs.

Commissioner Perez suggested that the applicant hold a job fair at City Hall for the hiring of the 120 to 150 employees it will be hiring.

Chairman Garelick said that the property has been vacant for over ten years and nothing ever materialized until now. The application is variance free and fully complies with the Redevelopment Plan. In addition, the developer has agreed to follow up on the traffic study when the project is complete and occupied and has agreed to work with SUEZ to deal with the water issues in the area.

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

Public Hearing:

P-17-015 – 49 COTTAGE STREET PARTNERS, LLC – Site: 49 Cottage Street in City Block 321, Lot 8 *[The applicant is seeking minor subdivision approval as well as preliminary and final major site plan approval to subdivide the lot into two parcels and to construct two two-family homes on the subdivided lots.]*

John Zucker, Esq., attorney for the applicant gave a brief opening statement, moved his exhibits into evidence and called his first witness.

Witness:

Al Sambade, PP, PE was sworn to provide expert testimony in support of the application. Mr. Sambade testified that the applicant is proposing to subdivide the property into two non-conforming lots and construct two new two-family homes on the subdivided lots. Mr. Sambade provided testimony in justification of the variances being sought and also described the layout of the proposed two-family homes.

Board questions:

Chairman Garelick commented that the requested variances appear to be de minimis. Consulting City Engineer Rob Russo and consulting City Planner Donald Meisel commented on the non-conforming lots and agreed that this is the exception not the rule.

Audience questions:

Residents Barbara Bowman, Richard Macon and Rosalie Polomski questioned Mr. Sambade.

Closing Remarks

John Zucker, Esq., gave his closing remarks and respectfully requested the Board look favorably on this application.

Audience comments:

There were no closing remarks from the general public.

Chairman Garelick commented that from a conformity standpoint, the requested variances are de minimis and the subdivision can be granted.

Commissioner Malloy made a motion to approve the application subject to any and all conditions spread across the record. Chairman Garelick seconded the motion and a unanimous vote followed.

Public Hearing:

P-17-020 INFINITE THERAPY SOLUTIONS, LLP – Site: 237 Avenue E in City Block 212, Lot 17 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of a second story addition to the existing building for a Pediatric Physical and Occupational Therapy Office.]*

Stephen S. Rose, Esq., attorney for the applicant offered exhibits into evidence and called his first witness.

Witness:

Al Sambade, PP, PE was sworn as an expert witness. Mr. Sambade explained that the applicant received approval from this Board in 2015 for the same type of application at a different location. Since then, the applicant has outgrown that space and is now seeking to move into a larger building. The applicant proposes to add a second story addition to the building and to convert the first and second story of the existing building into a pediatric physical occupational therapy office. The new third story addition will contain a two-bedroom residential unit. Mr. Sambade stated that in order to address the parking variance, the applicant has obtained a license agreement with St. John Paul II Parish for exclusive rights to ten (10) parking spaces in the Mount Carmel Church parking lot. Mr. Sambade also addressed the comments submitted by the City Planner and Engineer and he confirmed that the applicant agrees to all of the recommendations.

Board questions:

Commissioner Lawandy and City Engineer Russo questioned Mr. Sambade.

Audience questions:

There were no questions from the general public.

Closing Remarks:

Stephen S. Rose, Esq., said that the proposed use is inherently beneficial and he asked that the Board approve this application.

Chairman Garelick made a motion to approve the application subject to the conditions agreed to during the course of this hearing and Commissioner Perez seconded the motion. A unanimous vote followed.

Adoption of Resolutions

- **P-17-017 BAYONNE REDEVELOPERS URBAN RENEWAL BLOCK 700, LLC – Site: Harbor Station South, 301 Chosin Few Way; Block 700, Lot 1**
 - Commissioner Garelick made a motion to approve the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.
- **P-17-009 BAYONNE BAY DEVELOPERS URBAN RENEWAL, LLC – Site: Peninsula at Bayonne Harbor Bayonne Bay West; Block 830, Lots 1.01, 1.02, 1.03 and 1.04**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Valado seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 9:50 p.m.

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

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