



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

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, October 10, 2017 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairman Garelick called the meeting to order at 6:10 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, Fiermonte, Valado and John Sebik, mayoral designee. Commissioners Quintela, Lawandy, Becker and Mayor Davis were absent.

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

Adoption of Minutes

Commissioner Perez made a motion to adopt the minutes of the regular meeting held on September 12, 2017 and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Municipal Council resolution directing the Planning Board to reopen and amend the Scattered Site 14 Redevelopment Plan which includes properties identified as Block 452.02, Lots 3-9 and 11 and Block 451, Lots 1.01, 1.02, 2.03, 2.04 and 2.05.

- William J. Finnerty, Esq., letter dated October 4, 2017 requesting application P-17-023 Pier View Lofts Urban Renewal, LLC application be adjourned to a special meeting on Tuesday, October 17, 2017.
 - Commissioner Garelick made a motion to adjourn this matter to December 12, 2017. Commissioner Perez seconded the motion and a unanimous vote followed. Mr. Finnerty was advised that no further notice is required.
- Rita Mary McKenna, Esq., letter dated October 10, 2017 requesting application P-17-019 Vencon Developers, LLC be adjourned to the December 12, 2017 regular meeting.
 - Commissioner Sebik made a motion to adjourn this matter to December 12, 2017 and Commissioner Perez seconded the motion and a unanimous vote followed. Ms. McKenna was advised that no further notice is required.

Public Hearing (continuation):

Redevelopment Study for the property known as the Texaco site which is identified as Block 332, Lot 3; Block 360, Lot 2; Block 373, Lots 1, 2, 13, 14 and 15; Block 390 Lots 1, RG67; Block 391, Lots 1 and 2; and Block 511, Lots 5 and 6 as shown on the official tax map of the City of Bayonne pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 30A:12A-1 et seq.

Mr. Campisano advised that reports were recently submitted from the opposition and that our planner needed time to review the reports prior to this matter moving forward. It was requested that this matter be tabled to the December 12, 2017 regular meeting.

Commissioner Perez made a motion to adjourn this matter to the December 12, 2017 regular meeting and Commissioner Fiermonte seconded the motion. A unanimous vote followed.

Public Hearing:

P-17-016 MYK BUILDERS, LLC – Site: 123-125 West 12th Street in City Block 262, Lot 3
[The applicant is seeking minor subdivision approval to subdivide the property into two nonconforming lots and preliminary and final major site plan approval and variance relief to construct two two-family homes on the subdivided lots.]

Paul Weeks, Esq., attorney for applicant offered exhibits into evidence and called first witness.

Witness:

Al Sambade, PP, PE, AIA was sworn to provide expert testimony in support of this application.

Mr. Sambade testified that the applicant is proposing to subdivide the property into two

nonconforming lots for the purpose of building two new two-family homes. He said that the property is located in the R-2 zone and that two-family homes are a permitted use this this zone. Mr. Sambade provided testimony as to parking, trees proposed and the variances requested. Mr. Sambade reviewed the City's Consulting Engineer as well as the Consulting City Planner's reports and found same acceptable having no objections. He described the surrounding area and said that the proposed two-family homes would be consistent with other two-family homes in the area. Mr. Sambade addressed the requested variances, which he said are justified from a planning perspective. Mr. Sambade addressed the reports submitted by the Board's planner and engineer and he said that the applicant has no objection to any recommendations in their reports.

Board questions:

Chairman Garelick, Commissioners Perez and Malloy and consulting City Planner Donald Meisel questioned Mr. Sambade.

Audience questions:

Residents Peter Franco, David Franco, John Hennessey, Linda Loksa and Joe Wisniewski questioned Mr. Sambade.

Audience Closing Remarks:

Resident David Franco in closing read two letters from neighbors. Jason Godlewski and Thomas Szemanski, who were unable to attend this meeting and who were objecting to this application. Mr. Franco commented that he was concerned with water and sewer conditions and he did not think that the residents in the area would benefit from this proposed project.

Residents John Hennessey, Jennifer Buckland, Linda Loksa, Joe Wisniewski and Peter Franco gave statements opposing this application.

Closing Remarks:

Paul Weeks, Esq., attorney for the applicant, stated that this application is in conformance with the City Ordinance and is a permitted use in this R-2 zone. This type of variance is consistent with the neighborhood and should be approved. The applicant has satisfied all of the requirements. The positives outweigh the negatives and the homes would be a benefit to the neighborhood. Mr. Weeks respectfully requested the Board vote in favor of the application.

Commissioner comments:

Commissioner Perez said he was concerned and asked that the applicant consider flipping the layout of the homes to alleviate the side yard setbacks.

Commissioner Sebik said that the homes are too close to the neighbor's house and parking is a problem in the neighborhood. He said that he is not in favor of this application.

Commissioner Malloy said that he doesn't feel that the variances requested should be granted and he is not in favor of the application.

Commissioner Valado concurred with Commissioners Sebik and Malloy and she also is not in favor of the application.

Chairman Garelick said that this is a permitted use and the variances requested should be granted.

Commissioner Perez made a motion to approve the application and Commissioner Fiermonte seconded the motion. The following vote was taken:

Commissioners Malloy Valado and Sebik voted against the application.

Commissioners Perez, Garelick and Fiermonte voted in favor of the application.

The application, no having received a super majority vote, was **DENIED**.

A short break was taken at 8:40 pm and resumed at 8:55 pm. Secretary Malloy called the roll.

Public Hearing:

Redevelopment Plan as to the Silklofts Plan and an overlay for a portion of the Maidenform Plan for property located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132, Avenue E, 134-136 Avenue E, 138, Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E and 157-163 Avenue E in City Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and Block 234, Lots 11, 12, 13 and Block 458, Lots 1 & 1.01 and Block 234, Lot 8.01, respectively as shown on the official tax map of the City of Bayonne pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 30A:12A-1 et seq.

Presentation by Suzanne Mack, PP City Planner.

Board questions:

Chairman Garelick and Commissioner Malloy questioned Ms. Mack.

Audience questions:

Resident Rita McKenna questioned Ms. Mack.

Commissioner Perez made a motion to send the Board's recommendation to the Municipal Council to approve the Redevelopment Plan. Commissioner Malloy seconded the motion and a unanimous vote followed.

Adoption of Resolutions

- **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**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote followed.
- **P-17-015 – 49 COTTAGE STREET PARTNERS, LLC – Site: 49 Cottage Street in City Block 321, Lot 8**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Perez seconded the Fiermonte A unanimous vote followed.
- **P-17-020 INFINITE THERAPY SOLUTIONS, LLP – Site: 237 Avenue E in City Block 212, Lot 17**
 - Commissioner Garelick made a motion to approve the resolution and Commissioner Perez seconded the motion. A unanimous vote followed.

- Redevelopment Plan as to the Silklofts Plan and an overlay for a portion of the Maidenform Plan for property located at 122 Avenue E, 124 Avenue E, 126 Avenue E, 126 ½ Avenue E, 128 Avenue E, 130 Avenue E, 132, Avenue E, 134-136 Avenue E, 138, Avenue E, 140 Avenue E, 165 Avenue E, 167 Avenue E, 169 Avenue E, 170-180 Avenue E and 157-163 Avenue E in City Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and Block 234, Lots 11, 12, 13 and Block 458, Lots 1 & 1.01 and Block 234, Lot 8.01, Redevelopment plan resolution – motion
 - Commissioner Garelick 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 9:40 p.m.

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

07075 took a transcript of the meeting.

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