



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
MAY 8, 2018**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, May 8, 2018 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Karen Fiermonte, Chairperson called the meeting to order at 6:13 p.m. and led all in the Pledge of Allegiance to the Flag. Chairperson Fiermonte advised that the Board has complied with the Open Public Meetings Act/Sunshine Law.

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

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

Adoption of Minutes

Commissioner Sebik made a motion to adopt the minutes of the regular meeting held on March 13, 2018 and Commissioner Valado seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Municipal Council Resolution No. 18-03-14-058 authorizing and directing the Planning Board to prepare a Redevelopment Plan for property known as 70-83; 85-87 Kennedy Boulevard, 42 & 44 Juliette Street in Block 346, Lots 22, 23, 24 and 25 pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq. (P-18-004)
- Council Resolution No. 18-03-14-059 authorizing and directing the Planning Board to amend the Redevelopment Plan for the Peninsula at Bayonne Harbor and referred to as “Harbor Station South”. (P-15-033)
- Municipal Council Resolution No. 18-03-14-057 authorizing and directing the Planning Board to reopen and amend the redevelopment plan for 122, 124, 126, 126.5, 128, 130, 132, 134-136, 138, 140, 165, 167, 169, 170-180 and 157-163 Avenue E in Block 467, Lots 17, 18, 19, 20, 21, 22, 23, 24, 25, 26; Block 234 Lots 8.01, 11, 12, 13 and Block 458, Lots 1 & 1.01 pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq. (P-17-011)
- Letter from Weiner Law Group, LLP dated April 17, 201 requesting a one-year extension for P-16-025 to begin construction of a four and one-half story multi-family residential building on property located at 138 Avenue B; 140 Avenue B, 101 West 44th Street and 103 West 44th Street in City Block 84, Lots 6, 7, 8 & 9.
 - Commissioner Valado made a motion to grant the extension for one year and the motion was seconded by Commissioner Malloy. A unanimous vote followed.

Public Hearing:

P-18-001 ZM PROPERTIES, LLC – Site: 31 West 8th Street in City Block 283, Lot 13 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the conversion of the second floor of the existing building from office space to two dwelling units.]*

Paul Kapish, Esq., attorney for applicant, gave a brief opening statement describing the relief being sought by the applicant. Mr. Kapish offered his exhibits into evidence and called his first witness:

Witness:

Zbygniew Moszczynski, M.D. applicant, was sworn to provide factual testimony in support of this application. Dr. Moszczynski discussed the previous approval for this property and explained that he originally planned to use the second floor of the property as a medical

office; however, he has been unable to rent the space for over two years. He said that he is now seeking site plan approval to convert the office space into two residential units.

Board questions:

There were no questions from the Board

Audience questions:

There were no questions from the general public.

Witness:

Stephen Kawalek, AIA, PP, was sworn and accepted to provide expert testimony in support of the application. Mr. Kawalek testified that he prepared the site plan for this application and that he is personally familiar with the site. He described the proposed residential units and said that all changes are interior to the building. There are no proposed changes to the first floor of the building. Mr. Kawalek also provided testimony in support of the variances for off-street parking and open space requirement.

Board questions:

Malvika Apte, City Planner questioned Mr. Kawalek about the need for open space for the residential units. In addressing Ms. Apte's concern for open space, Mr. Kawalek explained that there is a park in close proximity to the building that would satisfy that need.

Audience questions:

There were no questions from the general public.

Closing remarks:

Paul Kapish, Esq., respectfully requested that the Board look favorably upon this application.

Commissioner Valado made a motion to approve the application and Commissioner Malloy seconded the motion. A unanimous vote followed.

Public Hearing:

P-18-002 ANGELO DEL RUSSO and ROBERT M. KAYE (St. Joseph's Property) – Site: 306-322 Avenue E in City Block 440, Lots 3, 4, 5 and 317 Avenue E in City Block 191, Lot 5.02 *[The applicant is seeking minor subdivision approval and preliminary and final major site plan approval to allow the construction of two residential buildings. One building will contain 67 residential units with 69 parking spaces and the other building will contain 93 residential units with 101 parking spaces.]*

Robert A. Verdibello, Esq., attorney for applicant, gave a brief opening statement, offered his exhibits into evidence and called his first witness.

Witness:

John DiGiacinto, PE provided his educational background and experience for acceptance as an expert witness. Chairperson Fiermonte recognized Mr. DeGiacinto as an expert witness. Mr. DiGiacinto provided a description of the two parcels that are a part of this application. He described the project, proposed buildings, materials and work to be performed as well as the aesthetics of the proposed buildings. He addressed the utility and stormwater connections including landscaping and proposed street trees. Mr. DiGiacinto pointed out that there is easy access to the New Jersey Transit System, Hudson Bergen Light Rail. He said that the applicants will make a contribution for public improvements.

Board questions:

Commissioner Sebik and Board professionals Rob Russo, Malvika and Sue Mack questioned Mr. DiGiacinto.

Audience questions:

There were no questions from the general public.

Witness:

William Feinberg, AIA, provided information on his educational background and experience and was recognized as an expert witness. Mr. Feinberg described the architectural plan and provided testimony with regard to parking, residential levels, open plaza and other amenities, elevations and façades of both parcel A and parcel B. Renderings of the buildings were also presented. Mr. Feinberg also addressed the comments offered by our consulting City Engineer and Planner and particularly addressed security, trash removal decorative lighting and how the home office space was an amenity that tenants are looking for.

Board questions:

City Planner Suzanne Mack questioned Mr. Feinberg.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, PP was sworn to provide expert planning testimony. Mr. McDonough testified that the site plan was compliant with the St. Joseph's Redevelopment Plan and is consistent with the Master Plan. He described the development as being transit oriented and to be built in two phases. Phase 1 will be Development Block B on the eastern side of the street. Mr. McDonough, in describing the site improvements, testified to the positive benefits to the area citing a positive aesthetic effect on the environment with no detriments to the general public. He reviewed the signage as well as all the amenities to be provided. He further testified that the project would not have a substantial detriment to the public good nor impair the Zone Plan and Zoning Ordinance. Mr. McDonough reviewed the exhibits that showed the site as it

exists today. He described the property in detail addressing the requested relief and how the project on balance would be a positive for the area and the City as a whole.

Board questions:

Malvika Apte, PP, consulting City Engineer and Suzanne Mack, PP, City Planner questioned Mr. McDonough.

Audience questions:

Resident Dave Vayda, asked if the developer is seeking to purchase any other properties in the area.

Closing remarks:

Mr. Verdibello said that he relies on the testimony give and respectfully requested the Board approve this application.

Commissioner Fiermonte said that the pedestrian bridge walkway is in disrepair and she hopes the applicants will take part in repairing the bridge during construction. She also asked that during construction there be no disruption to the school across the street.

Commissioner Sebik said that the proposed buildings are beautiful and this is a perfect area for them.

Commissioner Malloy said that this is a terrific project and he encourages negotiations the City and applicants to repair the pedestrian bridge.

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

A short break was taken at 7:49 p.m. and the meeting resumed at 8:05 p.m. Commissioner Malloy called the roll.

Public Hearing:

P-17-041 – 419 BROADWAY, LLC – Site: 419 Broadway in City Block 225, Lot 22
[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to convert the ground floor of the existing building into a residential unit creating three residential units.]

Commissioner Musharbash announced that he had to recuse himself from hearing this application due to a conflict of interest. At this time the Board did not have a quorum to proceed. The applicant, therefore, requested that they be placed on a special meeting scheduled for May 15, 2018.

Commissioner Malloy made a motion to carry this application to the special meeting scheduled for May 15, 2018 and Commissioner Sebik seconded the motion. A unanimous vote followed.

Public Hearing:

P-17-031 HUDSON PROPERTY HOLDINGS, LLP – Site: 43 West 49th Street; 44, 46-48, 50 West 50th Street; Block 57, Lots 4, 42, 43 and 44
[The applicant is seeking major subdivision approval and major site plan approval with bulk variances to subdivide the property into four lots and construct four two-family homes on each subdivided lot.]

Peter Cicinini, Esq., attorney for applicant, gave a brief description of the relief being sought by the applicant. Mr. Cicinini entered the exhibits into evidence and called his first witness.

Witness:

Martha Brazoban, architect, was sworn to provide expert testimony in support of this application. Ms. Brazoban testified as to the proposed subdivision of the property and the design of the proposed two-family homes. She described the plan that was submitted by her firm. She said that the surrounding area consists of mostly two-family homes. She also said that the prior use of the property included three (3) houses and one (1) garage and the property is now vacant.

Ms. Brazoban said that she reviewed the reports submitted by our consulting City Engineer Robert Russo, PE, and Malvika Apte, PP, consulting City Planner and he responded to them.

Board questions:

Robert Russo, PE consulting City Engineer and Malvika Apte, PP consulting City Planner questioned Ms. Brazoban.

Audience questions:

There were no questions from the general public.

Closing remarks:

William Finnerty, Esq., attorney for Tom Hanson with regard to straightening out the property line in the subdivision. Mr. Finnerty advised that the parties had a verbal approval to adjust an irregular lot line between his client and the applicant's property which Mr. Cecinini also indicated was correct.

Closing remarks:

Peter Cecinini, Esq., respectfully requested the Board approve this application.

Chairperson Fiermonte commented that this is a good use of the property.

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

Public Hearing:

P-18-003 – DURAPORT READY MIX, LLC – Site: East 5th Street in City Block 476.01, Lots 10.01 and 3 *[The applicant is seeking to amend a previous approval of a flex building and office building approved on August 9, 2016 with preliminary and final major site plan approval to allow the eastern portion of the site for a concrete ready-mix business as well as subdivision approval for a lot line adjustment.]*

William Sullivan, Esq., attorney for applicant, stated that this application is a modification to a previous approval. He offered his exhibits into evidence and called his first witness.

Witness:

Jonathan Istranyi, PE, was sworn to provide expert engineering testimony in support of the application. Mr. Istranyi described the previously approved project and described the proposed changes to the site plan. He said that he reviewed the use and described the area and how the site would operate. Mr. Istranyi addressed the variances required as well as design waivers for fence height, lighting and off-street parking. He described the proposed concrete ready mix facility and advised that there would be three on site workers and twelve drivers. Mr. Istranyi discussed the Stormwater report and advised that the applicant will apply for all Department of Environmental Protection approvals needed.

Board questions:

Malvika Malvika, PP, consulting City Planner questioned Mr. Istranyi.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, PP, was sworn to provide expert planning testimony in support of the application. Mr. McDonough testified that the variance relief requested could be granted in without any substantial detriment to the public good nor impair the Zone Plan and Zoning Ordinance. He addressed the fence height and proposed lighting.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Closing remarks:

Mr. Sullivan respectfully asked that the Board look favorably on this application.

Commissioner Malloy commented complimented the developer for his investment and confidence in Bayonne. He said that it is good to have industrial uses in Bayonne because of the economic benefits they provide to the residents

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

Adoption of Resolutions

- P-16-025 BB Bayonne, LLC (Extension) 138 Avenue B; 140 Avenue B, 101 West 44th Street and 103 West 44th Street in City Block 84, Lots 6, 7, 8 & 9
 - Commissioner Sebik made a motion to approve the resolution and Commissioner Malloy seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 9:00 p.m.

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

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