



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
AUGUST 14, 2018**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, August 14, 2018 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Maria Valado, Chairperson called the meeting to order at 6:15 p.m. and led all in the Pledge of Allegiance to the Flag. Vice-Chairperson Valado advised that the Board has complied with the Open Public Meetings Act/Sunshine Law.

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

Also present were Richard N. Campisano, Esq., Board Counsel, Rob Russo, PE, City Engineer's Office, Malvika Apte, PP, consulting City Planer and Lillian Glazewski, Land Use Administrator.

Adoption of Minutes

Commissioner Perez made a motion to adopt the minutes of the regular meeting held on July 10, 2018 and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Municipal Council Resolution authorizing and directing the Planning Board to prepare a Redevelopment Plan for Block 305, Lot 20 a/k/a 211-217 Broadway. (Resolution no. 18-07-18-055) [P-18-027]
- Municipal Council Resolution authorizing and directing the Planning Board to prepare a Redevelopment Plan for Block 467, Lots 8 & 9 a/k/a 90-102 Avenue E. (Resolution no. 18-07-18-054) [P-17-035]

Public Hearing:

P-18-009 – 79-81 EAST 25, LLC – Site: 79-81 East 25th Street in City Block 436, Lot 8 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the conversion of an existing three-bedroom apartment on the first floor to three one-bedroom apartments.]*

Pasquale Agresti, Esq., appearing for the applicant, briefly described the application. He entered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, PP, AIA, PE was sworn to provide expert testimony in support of this application. He testified that he was retained by the applicant to prepare the site plan. Mr. Sambade pointed out to the commissioners that this application only involves interior renovations. He went on to describe the existing conditions and described what is being proposed at the site. Mr. Sambade addressed comments offered by the Board's experts with an emphasis on the parking deficiency. He added that the inability of the applicant to provide the number of parking spaces required is mitigated by the options of mass transit available in the City. It was Mr. Sambade's position that the applicant satisfied the Zone Plan, and if the requested variances are granted, it would not impair the intent and purpose of the Zone Plan or Zoning Ordinance.

Board questions:

Commissioners Malloy and Lawandy questioned Mr. Sambade as did consulting City Planner, Malvika Apte, PP.

Audience questions:

Residents Melanie Flora, Robert Dodd, Peter Franco and Francis Sharkey questioned Mr. Sambade.

Closing remarks:

Pasquale Agresti, Esq. asked the Board to look favorably upon this application.

Public comments:

Residents Melanie Flora, Pete DeRocco, Robert Dodd, Cheryl Dodd Marco and Peter Franco said that if the variance is granted for the parking deficiency, it would exacerbate the existing parking problems in the area and even more so when a number of multifamily buildings that have already been approved are built. They asked the Board to deny the application.

Commissioners Comments:

Commissioners Malloy, Sebik and Perez said that they agree that granting the parking variance for this application would be detrimental to the neighborhood.

Commissioner Perez made a motion in the affirmative to approve this application and Commissioner Malloy seconded the motion. The Board unanimously voted against granting approval for the application. The application was denied.

Public Hearing:

P-18-023 – 673-675 AVENUE E, LLC – Site: 673-675 Avenue E in City Block 94, Lot 18 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the construction of a new three-story residential building with eight residential units with provided parking for eight cars.]*

William J. Finnerty, Esq., attorney for applicant, gave a brief opening statement, offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, PP was sworn to provide expert testimony. Mr. Sambade stated that he was hired by applicant to prepare the site plan and architectural plans for this project. He described the location of the site and the proposed project. He testified that the existing building will be demolished and a new three-story multifamily building will be constructed. Mr. Sambade addressed the required variances being requested and provided justification for same. He testified that the site is in close proximity to the recreational facilities in the area. It was Mr. Sambade's position that the applicant satisfied the Zone Plan and that the requested variances could be justified under N.J.S.A. 45D-70(c)2 criteria.

Board questions:

Commissioners Perez and Malloy questioned Mr. Sambade as did our consulting City Planner Malvika Apte.

Audience questions:

Residents Mary Jo Yablonicky, Ronald Jankowski, Lisa Cieckiewicz, Sean McCall, and Suzanne Neary questioned Mr. Sambade.

Audience comments:

Residents Lisa Cieckiewicz, Sean McCall, Ronald Jankowski, Suzanne Neary, Mike Rusigno and Lucia Seitzinger commented on their concerns.

Closing remarks:

William Finnerty, Esq. stated that the proposed project is a permitted use in the area. He said that the applicant is only requesting approval for a three-story structure that will fit well in the area. Mr. Finnerty respectfully requested the Board look favorably upon this application.

Commissioner Perez made a motion to approve the application subject to any and all conditions spread across the record and Commissioner Malloy seconded the motion. The motion was approved with a vote of five to one. Commissioner Sebik voted against the application.

A short break was taken at 8:27 pm and the meeting resumed at 8:39 pm. Secretary Malloy called the roll.

Public Hearing:

Presentation for a Redevelopment Plan for a Portion of the 8th Street Redevelopment Plan a.k.a. Newark Glass Works 13th Street and Broadway)

City Planner Suzanne Mack, PP presented the Redevelopment Plan.

There were no Board or audience questions of Sue Mack after her presentation.

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

Public Hearing:

P-18-012 PENINSULA VIEW URBAN RENEWAL, LLC – Site: 77, 79-87 East 31st Street in City Block 411, Lots 2, 3, 4, 5, 7, 8, 11 *[The applicant is seeking General Development Plan Approval for new luxury apartments.]*

Patrick J. McNamara, Esq., attorney for applicant, pointed out that the applicant is at this time seeking “General Development Approval (GDP)” not site plan approval. He advised that a GDP is basically a set of conceptual plans submitted to the Planning Board prior to an

application for site plan or subdivision approval. Under the Municipal Land Use Law, once GDP approval is granted the developer has the right to develop the property in accordance with the GDP regardless of any subsequent changes in local ordinances or other local requirements. That right can extend for as long as 20 years. Mr. McNamara offered his exhibits into evidence and called his first witness.

Witness:

Stuart Johnson, AIA, was sworn to provide expert testimony. Mr. Johnson described the architectural plans that he was retained to prepare for the applicant. He described the site, the area and the parcels for the proposed development. He described the number and mix of units and the proposed amenities for the building.

Board questions:

Commissioner Sebik and City Planner Malvika Apte questioned Mr. Johnson.

Audience questions:

Residents Lisa Constantine and Roger Holliday also questioned Mr. Johnson.

Witness:

Jonathan Istranyi, PE, was sworn to provide expert engineering testimony in support of the GDP. Mr. Istranyi described the requirements for a GDP in terms of the Municipal Land Use Law (MLUL). He testified that he reviewed the Stormwater Management Plan and the Community Development Plan. He discussed parking and parking garage. He said that the applicant believes that the development is appropriate and consistent with the site location and nearby public transit options. Mr. Istranyi addressed comments made in the City Engineer Robert J. Russo's, P.E., report dated August 1, 2018.

Board questions:

Commissioner Lawandy questioned Mr. Istranyi. Rob Russo, PE, City Engineer and Malvika Apte, consulting City Planner also questioned Mr. Istranyi.

Audience questions:

Resident Melanie Flora questioned Mr. Istranyi.

Witness:

John McDonough, PP was sworn as an expert witness to testify on behalf of the GDP application. Mr. McDonough testified that he reviewed the redevelopment plan for compliance. He testified that the development fits all the criteria and is in 100% compliance and consistent with the Redevelopment Plan and the City Master Plan. Mr. McDonough testified that the project would not have a substantial detriment to the public good nor impair the Zone Plan and Zoning Ordinance

Board questions:

There were no questions from the Board.

Audience questions:

Resident Roger Holliday questioned Mr. McDonough.

Closing Remarks:

Resident Jeffrey Kapec made closing remarks.

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

Public Hearing:

P-18-014 SOUTH COVE COMMON URBAN RENEWAL II, LLC / SOUTH COVE COMMON URBAN RENEWAL III, LLC – Site: 1 LeFante Way in City Block 412, Lots 2.021 and 2.022 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief for Phase 1 of an overall plan to construct a 23-story high-rise containing a new hotel and residential uses. The hotel will consist of 130 keys, a 30,000- square foot banquet facility and 162 residential units.]*

Patrick J. McNamara, Esq., attorney for applicant, gave a brief opening statement, offered his exhibits into evidence and called his first witness.

Witness:

Stuart Johnson, Architect, was sworn to provide expert testimony in support of the application. Mr. Johnson testified that he was retained by the applicant to prepare the architectural plans for the project. Mr. Johnson described the plans in detail.

A short break was taken at 10:05 pm and the meeting resumed at 10:12 pm. Secretary Malloy called the roll.

Board questions:

Consulting City Engineer Andy Raichle and the City's consulting Traffic Engineer John Pavlovich questioned Mr. Johnson.

Audience questions:

There were no questions from the general public.

Witness:

Jose Santos, AIA was sworn to provide expert testimony in support of the application. Mr. Santos described the Phase I plans for proposed building C which is an expansion of the existing freestanding retail building which currently contains Houlihan's Restaurant. He also

described the surface parking for the uses of this building. Mr. Santos testified as to the proposed Heliport.

Board Counsel Campisano suggested the applicant withdraw the approval on the heliport since it is not permitted in the redevelopment plan.

Board questions:

The following Board professionals questioned Mr. Stantos: Malvika Apte, PP, Sue Mack, PP and Andy Raichle, PE.

Audience questions:

There were no questions from the general public.

Witness:

Jonathan Istranyi, PE was sworn to provide expert testimony. Mr. Istranyi testified that he reviewed the site and the parking and vehicle circulation on site. He addressed the comments outlined in the City's consulting Planner and Engineer's reports. In addition Mr. Istranyi discussed the Heliport use issue and said it will be withdrawn. He described the proposed buildings as being energy efficient

Board questions:

Board professionals Apte, Raichle and Pavlovich questioned Mr. Istranyi.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, PP was sworn as an expert witness. Mr. McDonough testified that that the application is in full conformance with the land development regulations of the approved Riverwalk at South Cove Redevelopment Plan including use density, floor area, height coverage,

setbacks, parking and design standards related to architecture, landscape architecture, lighting, utilities, fencing and signage and, is consistent with the Redevelopment Plan and the City Master Plan. Mr. McDonough testified that this project would not have a substantial detriment to the public good nor impair the Zone Plan and Zoning Ordinance.

Board questions:

Malvika Apte, PP, consulting City Planner questioned Mr. McDonough.

Audience questions:

There were no questions from the general public.

Commissioner Perez made a motion to approve the application subject to any and all conditions as set forth in the record. Commissioner Sebik seconded the motion and a unanimous vote followed.

A motion was made to close the meeting at 11:00 p.m.

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

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