



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
MARCH 12, 2019**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, March 12, 2019 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairperson Fiermonte called the meeting to order at 6:16 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 Malloy, Valado, Becker, Quintela, Perez, Patel, Musharbash and mayoral designee John Sebik. Mayor Davis was absent.

Also present were Richard N. Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer's Office and Maryann Bucci Carter, PP consulting City Planner.

Adoption of Minutes

Commissioner Malloy made a motion to adopt the minutes of the regular meeting held on January 12, 2019 and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.

*Benjamin A. Nadell, Esq., from the firm of Connell Foley, LLP, attorneys for application **P-18-030 Kennedy Boulevard Development, LLC**, which was listed on the agenda as item IX, announced on the record that the applicant was withdrawing the application without prejudice.*

In response to Mr. Nadell's request, Chairperson Fiermonte asked for a motion to dismiss the application without prejudice. Commissioner Perez made the motion and Commissioner Malloy seconded the motion. A unanimous vote followed.

Communications:

- Municipal Council resolution directing the Planning Board to conduct a preliminary investigation of property located in City Block 278, Lots 2, 3, 4 a/k/a 9 Avenue E; 13-15 Avenue E and 22-30 East 10th Street.
- Municipal Council resolution directing the Planning Board to conduct a preliminary investigation of property located in City Block 300.01, Lots 2 & 3 and Block 301.01, Lot 1 a/k/a Avenue A & North Street; 175 Avenue A and 219 West 5th Street.
- Municipal Council resolution directing the Planning Board to reopen and amend the Redevelopment Plan (Forum) for Block 183, Lots 1 & 2.01 a/k/a/ 39-43 and 45 West 25th Street
- Municipal Council resolution directing the Planning Board to prepare a Redevelopment Plan for property located in City Block 297, Lots 1 & 2 a/k/a 240 and 256 Kennedy Boulevard.
- Municipal Council resolution directing the Planning Board to conduct a preliminary investigation of property located at 549-555; 563-567 Broadway and 18 West 26th Street in Block 183, Lots 15, 16, 17.
- Municipal Council resolution directing the Planning Board to conduct a preliminary investigation of property located at Block 477.01, Lot 3 and Block 478, Lot 1.
- Municipal Council Resolution directing the Planning Board to conduct an investigation of property located at 39 East 22nd Street in Block 206, Lot 1 to determine whether said property constitutes a non-condemnation area in need of redevelopment pursuant to the LRHL, N.J.S.A. 40A:12A-1 et seq. (P-19-008) [Mt. Carmel School].
- Municipal Council resolution directing the Planning Board to reopen and amend the Redevelopment Plan entitled "Texaco Redevelopment Area" Block 332, Lots 1,2; Block 360, Lot 2; Block 373, Lots 1,2,13,14,15; Block 390, Lot 1 and RG67, Block 391, Lots 1,2; Block 511, Lots 5,6. (P-16-021).
- Municipal Council resolution directing the Planning Board to prepare a redevelopment plan for Block 416, Lots 1, 2 a/k/a 69 New Hook Access Road (P-17-034).
- Municipal Council resolution directing the Planning Board to prepare a preliminary investigation of property located at 86 Hobart Avenue in Block 359, Lots 10.01 & 4.05 (P-19-011).

- Municipal Council resolution directing the Planning Board to prepare a preliminary investigation of property located at 140 East 22nd Street in Block 464.01, Lot 6 (P-19-012).
- Municipal Council resolution directing the Planning Board to prepare a preliminary investigation of property located at 120-122 West 33rd Street in Block 143, Lot 38 (P-19-013)
- Municipal Council resolution directing the Planning Board to prepare a Redevelopment Plan for property located at 55 East 21st Street in Block 212, Lot 13 (P-19-014).

Public Hearing:

P-18-038 SHEHATA BESHAI – Site: 170 West 24th Street in City Block 192, Lot 36 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief for front yard setback to construct an off-street parking area.]*

John Zucker, Esq., attorney for applicant, in opening described the application and relief being sought. He offered his exhibits into evidence and called his first witness.

Witness:

Alan Feld, AIA, was sworn in to provide expert architectural and planning testimony in support of the application. Mr. Feld testified that he prepared plan for this application. He described the area as it exists and how it would change after the construction of the proposed carport. He described the dimensions of the carport and addressed the requirements of the Residential Site Improvements Standards (RSIS) for parking stall size and number of parking spaces. Mr. Feld testified to neighboring properties having carports and the applicant will provide a curb stop. Mr. Feld further testified that the requested variances are de minimis and would not cause detriment to the public health, safety and welfare to the surrounding neighborhood. Mr. Feld also addressed the comments offered by the Zoning Officer and City Planner.

Board questions:

Consulting City Planner Carter questioned Mr. Feld.

Audience questions: There were not questions from the general public.

Witness:

Shahata Beshai was sworn to provide factual testimony. Mr. Beshai testified that he is the owner of the property and he and his family occupied two (2) units of this three-family home. He said there was no off-street parking available and this proposal would allow parking for two (2) vehicles which is necessary on this street because of limited parking.

There were no questions from either the Board or general public of Mr. Beshai.

Closing remarks:

John Zucker, Esq., respectfully requested the Board approve this application.

Commissioner Perez made a motion to approve the application and Commissioner Sebik 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
[By Order of the Superior Court of New Jersey, this matter is remanded back to the Planning Board to hear testimony regarding parking stall size, lot width and lot size.]

Richard Campisano, Esq., explained that this application was remanded back to the Board by Court Order dated December 10, 2018, to hear testimony regarding parking stall size, lot width and lot size. Mr. Campisano further explained that the rules for a remand from a higher court are explicit.

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

Witness:

Al Sambade, AIA, PP, PE, was sworn in and recognized as an expert witness to testify in support of the application. Mr. Sambade's testimony specifically addressed *parking stall size, lot width and lot size* as ordered by the Court. He opined that these new lots were in keeping with the lot pattern in the area and the variances would cause no substantial detriment to the public good.

There were no questions from the Board.

Audience questions:

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

Closing remarks:

Residents David Franco, John Hennessey, Linda Loksa, Peter Franco and Robert Dodd were all opposed to the application citing parking, air quality and overcrowding issues.

Resident Mostafa Soliman commented in favor of the application.

Paul Weeks, Esq., applicant's attorney, said the Mr. Sambade was clear in his testimony testifying that the application is consistent with the master plan and can be granted without a substantial detriment to the public good.

Commissioner Perez made a motion to approve the application subject to any and all conditions agreed across the record. Commissioner Malloy seconded the motion. The following vote was taken:

Aye: Chairman Fiermonte, Commissioners Malloy Becker, Quintela, Perez, Patel and Musharbash.

Nay: Commissioners Sebik and Valado.

A short break was taken at 7:39 p.m. and the meeting resumed at 7:55 p.m. The roll was called.

Public Hearing:

P-18-040 EOM 554 BROADWAY URBAN RENEWAL, LLC – Site: 554-556 Broadway; 11 East 25th Street and 17-31 East 26th Street in City Block 184, Lots 5, 10 and Block 179, Lots 4, 5 & 6 *[The applicant is seeking preliminary and final major site plan approval to allow the construction of a seven-story mixed use building with commercial space on the first floor and 64 residential units above.]*

Michael Miceli, Esq., attorney for applicant gave an opening statement summarizing the application before the Board. Mr. Miceli offered his exhibits into evidence and called his first witness.

Witness:

Al Sambade, PP, PE, AIA was sworn to provide expert testimony in support of the application. Mr. Sambade described property location and its orientation. He testified that the application was filed in accordance with a redevelopment investigation and redevelopment plan prepared by this Board. He addressed the proposed amenities, number of apartments on each floor, parking, site improvements, street trees, stormwater detention system and affordable housing. Mr. Sambade also addressed the comments offered in the City Engineer and Planner's reports.

Board questions:

There were no questions from the Board.

Audience questions:

Residents Carin Mooney, Dr. Frank Bogdan, Milad Nakhla and Michael Morris questioned Mr. Sambade. Residents were very concerned with parking and the fact that the applicant and the City have not yet signed a parking agreement.

Closing remarks:

Residents Mike Rusigno, Mike Morris, Dr. Frank Bogdan, Carin Mooney commented.

Michael Miceli, Esq., respectfully requested the Board approve the application.

Board comments:

Commissioner Malloy commented that the proposed construction would replace an eyesore and bring new residents to the community in the shopping district. However, due to the fact that there is no signed parking agreement at this time, he recommended that the decision be deferred until a parking agreement is signed.

Chairperson Fiermonte concurred as did all of the Commissioners.

Commissioner Sebik made a motion to carry the application to the next regular meeting of the Planning Board on April 9, 2019 with no further notice required. Commissioner Malloy seconded the motion and a unanimous vote followed.

Public Hearing:

Presentation of Preliminary Investigation of property identified as Block 278, Lot 4 (22-30 East 10th Street), Block 278, Lot 3 (13-15 Avenue E) and Block 278, Lot 2 (9 Avenue E). (P-19-001).

Presentation by Suzanne Mack, PP, City Planner

Board / Audience questions: There were no questions from the Board or general public.

Commissioner Perez made a motion to forward the Board's findings to the Municipal Council and Commissioner Sebik seconded the motion. A unanimous vote followed.

Public Hearing:

Presentation of Amended and Restated Scattered Site Redevelopment Plan for Block 407, Lots 1, 2, 3 and Block 408, Lots 1, 2 (NJ Transit 34th Street Station Redevelopment Plan) (P-13-001).

Presentation by Suzanne Mack, PP, City Planner

Board / Audience questions: Resident Mike Morris questioned Ms. Mack.

Commissioner Perez made a motion to forward the Board's findings to the Municipal Council and Commissioner Valado seconded the motion. A unanimous vote followed.

Public Hearing:

Presentation of a Redevelopment Plan for property located at 71 New Hook Access Road and 69 New Hook Access Road in City Block 416, Lots 1 & 2. (P-17-034).

Presentation by Suzanne Mack, PP, City Planner

Board / Audience questions: Resident Mike Morris questioned Ms. Mack.

Commissioner Perez made a motion to forward the Board's findings to the Municipal Council and Commissioner Sebik seconded the motion. A unanimous vote followed.

Adoption of Resolutions

- **P-18-031 – 43-45 WEST 32ND, LLC – Site: 43-45 West 32nd Street in City Block 145, Lot 1**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.
- **Resolution to Municipal Council for Preliminary Investigation of Block 278, Lot 4 (22-30 East 10th Street), Block 278, Lot 3 (13-15 Avenue E) and Block 278, Lot 2 (9 Avenue E). (P-19-001)**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote of eligible members followed.
- **Presentation of Amended and Restated Scattered Site Redevelopment Plan for Block 407, Lots 1, 2, 3 and Block 408, Lots 1, 2 (NJ Transit 34th Street Station Redevelopment Plan) (P-13-001)**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Valado seconded the motion. A unanimous vote followed.
- **Presentation of a Redevelopment Plan for property located at 71 New Hook Access Road and 69 New Hook Access Road in City Block 416, Lots 1 & 2. (P-17-034)**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Valado seconded the motion. A unanimous vote of eligible members 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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