



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
MAY 14, 2019**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, May 14, 2019 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairperson Fiermonte called the meeting to order at 6:11 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, Becker, Quintela, Perez, Musharbash and mayoral designee Sebik. Mayor Davis and Commissioners Valado and Patel were absent.

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

Adoption of Minutes

Commissioner Perez made a motion to adopt the minutes of the regular meeting held on April 9, 2019 and Commissioner Sebik 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 May 1, 2019 and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Request for extension letter from Michael Miceli, Esq., attorney for AMS Equities, LLC Site 157-163 Avenue E; Block 234, Lot 8.01; 170-180 Avenue E; Block 458, Lot 1.01; 134-140 Avenue E; Block 467, Lots 24,25,26 – regarding filing of minor subdivision deeds
 - Commissioner Perez made a motion to grant the extension and Commissioner Malloy seconded the motion. A unanimous vote followed.\
- Letter from Michael Miceli, Esq., attorney for application P-18-040 EOM 554 Broadway Urban Renewal, LLC requesting the matter be carried to the regular meeting of the Planning Board on July 9, 2019.
 - Commissioner Perez made a motion to grant the adjournment to July 9, 2019 without further notice and Commissioner Malloy seconded the motion. A unanimous vote followed.

Public Hearing:

P-18-041 SHAMIN & HUMAYOON BAIG – Site: 99-101 West 46th Street in City Block 76, Lot 9 *[The applicant is seeking minor subdivision approval to subdivide the property into two nonconforming lots and construct a new two-family home with bulk variances.]*

Robert P. Weinberg, Esq., attorney for applicant entered his exhibits into evidence and called his first witness.

Witness:

Eduardo Galarza, AIA, provided his educational background and experience and was accepted by the Board as an expert witness. Mr. Galarza testified as to the subdivision of the property and the design of the proposed two-family home. He described the plan that were submitted as part of the application that was prepared by his firm.

Board questions:

Consulting City Planner Apte questioned Mr. Galarza

Audience questions:

Resident John Thorning questioned Mr. Galarza.

Witness:

Humayoon Baig, applicant and owner of the property was sworn to provide factual testimony in support of the application. Mr. Baig said that he and his family will occupy the unit with the five bedrooms. He explained that he needs five bedrooms because his sister and her family are coming and they will live with them.

Board questions:

Commissioner Perez questioned Mr. Baig.

Audience questions:

There were no questions from the general public.

Witness:

Charles Heydt, PP was sworn and recognized as an expert witness to testify in support of this application. Mr. Heydt addressed the comments in the reports issued by the Board's professionals and he discussed the lot size and location, pointing out that this is an oversized lot. Mr. Galarza further testified that this project would not have a substantial detriment to the public good nor impair the Zone Plan and Zoning Ordinance. He testified that this is an infill project that will protect the character of the neighborhood

Board questions:

City Planner Apte questioned Mr. Heydt.

Audience questions:

Resident John Thorning questioned Mr. Heydt.

Witness:

Besrick G. Plummer, PE, was sworn and recognized as an expert to testify in support of the application. Mr. Plummer addressed the City Engineer's comments and that the applicant accepts the

changes requested by the City Engineer. He further testified that there is no room for any street trees and that the applicant will contribute to the City Tree Fund in lieu of planting a tree.

Board questions:

City Planner Apte and City Engineer Russo questioned Mr. Plummer.

Audience questions:

Resident John Thorning questioned Mr. Plummer.

Closing remarks:

Resident Michael Morris commented in favor of the application.

Robert Weinberg, Esq., stated that the requested approval is not overreaching and he respectfully requested the Board approve the application.

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

Public Hearing:

P-19-015 – TFG 39-43 W 25TH URBAN RENEWAL, LLC – Site: 39-43 West 25th Street; Block 183, Lot 2.01 *[The applicant is seeking preliminary and final major site plan approval to construct a five-story, multifamily residential building containing forty residential units and forty parking spaces, interior amenity space and rooftop amenities.]*

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

Witness:

John Nastasi, Architect was sworn to provide expert testimony in support of the application. Mr. Nastasi offered three additional Exhibits marked as Exhibits A-22, 23 & 24 (renderings of the façade and lobby) into evidence. He then described the project, proposed building materials and aesthetics of the proposed building. Mr. Nastasi said that the garbage removal will be handled by a

private company. He addressed the comments from the City's consulting Planner Malvika Apte, P.P., as well as Robert Russo, P.E., consulting City Engineer.

Board questions:

Commissioner Perez questioned Mr. Nastasi.

Audience questions:

There were no questions from the general public.

Witness:

George Gloede, P.E. was sworn and recognized as an expert witness to testify in support of the application. Mr. Gloede testified that he prepared the site plan for this project. He provided testimony regarding post development runoff and how it will be controlled by an underground detention system. He said that the roof drains will connect directly into the detention system. No groundwater recharge is proposed. Mr. Gloede then address the comments offered by City Engineer Robert Russo.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Witness:

Craig Peregoy, P.E., traffic engineer, was sworn and recognized to provide expert testimony in support of the application. Mr. Peregoy provided testimony with regard to existing roadway conditions, existing traffic volumes and existing capacity analysis. He provided further testimony regarding projected traffic generation and projected future capacity. In conclusion, Mr. Peregoy testified that it is his professional opinion that the adjacent street system of the City of Bayonne

will not experience any significant degradation in operating conditions with the construction of this project.

Board questions:

City Engineer Robert Russo, PE questioned Mr. Peregoy.

Audience questions:

There were no questions from the general public.

Closing remarks:

Michael Miceli, Esq., said that this is a fully conforming site plan and all requirements are being met. He respectfully requested the Board approve the application.

Chairperson Fiermonte commented favorably on the design and also recognized that the application is in full conformance with the redevelopment plan.

Commissioner Perez commented that he is happy to see something being built at this site.

Commissioner Sebik commented that he likes the architecture and design of the proposed building.

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

A short break was taken at 7:37 p.m. and the meeting resumed at 7:50 p.m. The roll was called.

Public Hearing (continuation of presentation)

Amending and Restating of the December 2005 Scattered Site Plan for Block 37, Lot 1 (Bayer-Site) (Woodmont Properties Phase II)

Presentation by Suzanne Mack, PP City Planner. Ms. Mack advised the Board that the amendment applied to the maximum height to the plan of 65 feet.

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

Adoption of Resolutions

- **P-19-009 – LEG-BP BAYONNE OWNER, LLC – Site Maritime District at the Peninsula at Bayonne Harbor; Block 1180, Lots 1,2; Block 900, Lot 1; Block 1000, Lot 1; Block 680, Lot 1; Block 800, Lot 1; Block 802, Lot 1; Block 830, Lot 1.05; Block 930, Lot 1; Block 935, Lot 1 (For Final Approval)**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.
- **Resolution Amending and Restating the December 2005 Scattered Site Redevelopment Plan (Bayer Site) (Woodmont Properties Phase II) Block 37, Lot 1 (P-08-018)**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.
- **P-18-032 AMS EQUITIES, LLC – Site 157-163 Avenue E in Block 234, Lot 8.01; 170-180 Avenue E in Block 458, Lot 1.01; and 134-136 Avenue E in Block 467, Lots 24, 25, 26**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote followed.

A motion was made to close the meeting at 8:00 p.m.

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

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