



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
JUNE 11, 2019**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, June 11, 2019 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairperson Fiermonte called the meeting to order at 6:07 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, Perez, Musharbash, Valado, Patel and mayoral designee Sebik. Mayor Davis and Commissioner Quintela 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 special meeting held on May 1, 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 regular meeting held on May 14, 2019 and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Letter from John A. Zucker, Esq., requesting an adjournment of applications P-18-021 and P-18-022 filed by John and Maryan, LLC for 39-43 Evergreen Street, Block 320, Lot 3 and 43-45 West 21st Street, Block 210, Lots 1, 2 and 3 respectively.
 - Commissioner Perez made a motion to grant the adjournment to the regular meeting scheduled for September 10, 2019 without further notice required by the applicant. Commissioner Sebik seconded the motion and a unanimous vote followed.
- Municipal Council Authorizing and Directing the Planning Board to prepare a redevelopment plan for property located at 140 East 22nd Street in Block 464.01, Lot 6 pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq. (*P-19-012*)
- Municipal Council Authorizing and Directing the Planning Board to prepare a redevelopment plan for property located at 70 and 86 Hobart Avenue in Block 359, Lots 10.01 and 4.05 pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq. (*P-19-011*)
- Municipal Council Authorizing and Directing the Planning Board to prepare a redevelopment plan for property known as West 2nd Street between Avenue A and Kennedy Boulevard (unimproved portion), which property is also identified as West 2nd Street between Block 373 and 362/510 pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq. (Texaco) (*P-16-021*)
- Municipal Council Authorizing and Directing the Planning Board to prepare a Redevelopment Plan for property located at 796 and 798-804 Avenue E in Block 393, Lot 19 and a portion of Lot 20 pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq. (Avenue E Turnpike) (*P-17-008*)
- Municipal Council Authorizing and Directing the Planning Board to conduct a preliminary investigation of property located at 1099-aa05 Avenue C and 66-68 West 54th Street in Block 34, Lots 26, 27, 28, 29 and 30 pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq. (Da Noi) (*P-19-023*)

Public Hearing:

P-19-004 ANNETTE SKURSKY, EXECUTRIX OF THE ESTATE OF CATHERINE MARGIOTTA – Site 60, 62-64 Broadway in City Block 370, Lots 47 & 48 *[The applicant is seeking minor subdivision approval to reconfigure the dimension of the two adjoining lots so as to increase the size of the 60 Broadway lot and decrease the size of the 62-62 Broadway lot.]*

Christopher D. Vitale, Esq., attorney for applicant, said that the applicant proposes to reconfigure the dimensions of the two lots seeking three variances related to a detached garage. Mr. Vitale offered his pre-marked exhibits into evidence.

Witness:

Mark W. Skursky, son of applicant, was sworn to provide factual testimony in support of the application. Mr. Skursky testified that the properties have been in his family for more than 50 years. He explained in detail reason why his mother is requesting the property line relocation between the two properties.

Board questions:

There were no questions from the Board.

Audience questions:

There were no questions from the general public.

Witness:

Fred Stewart, a professional Land Surveyor, was sworn to provide expert testimony. Mr. Stewart testified that he prepared the subdivision map. He described the proposed subdivision in detail.

Board questions:

Commissioner Malloy and City Engineer Russo and consulting City Planner Apte questioned Mr. Stewart.

Audience questions:

There were no questions from the general public.

Closing remarks:

Mr. Vitale stated that the lots will remain conforming in size with the exception of a required variance for the garage in the rear. He respectfully requested the Board approve the application.

Commissioner Malloy commented that it is always nice to hear applicants say that they are providing additional parking.

Commissioner Perez 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.

Public Hearing:

P-18-034 – 153 AVENUE C PARTNERS, LLC – Site 153-157 Avenue C in City Block 317, Lots 9 & 10 *[The applicant is seeking minor subdivision and preliminary and final major site plan approval with bulk variance relief to allow the construction of three new two-family homes on the subdivided lots.]*

John Zucker, Esq., attorney for applicant gave a brief summary of the proposed application listing the variances being requested and moved his exhibits into evidence. He called his first witness.

Witness:

Al Sambade, PP recognized and sworn as an expert witness to testify in support of this application. Mr. Sambade said that he is familiar with code compliance issues as they relate to this application. He described the location of the property and surrounding area. Mr. Sambade noted that the proposed two family homes are a permitted use in this zone. He said that this is an irregular shaped property. The applicant is seeking a minor subdivision to subdivide the lot into three non-confirming lots measuring 100 x 25 each. He also testified that because of the irregularity of the property the houses are shaped different from most of the two family homes in the City. He said that the proposed homes meet all setback requirements. Each home will have three levels, i.e. the street level with a garage in front and a family room behind the garage. The second level will consist of a kitchen, dining room, living room and three bedrooms. The third level will mimic the second level. Mr. Sambade testified that there will be no loss of on-street parking and each house has three parking spaces. Mr. Sambade also provided testimony with regard to the stormwater detention system. Mr. Sambade described the surrounding land uses in the area as mixed uses. He addressed the comments submitted by the Board's professionals and the applicant is planning to revise the site plan to meet all of the required setbacks and lot coverage. He said that with this modification, all homes will be in full

compliance. Mr. Sambade also provided testimony with regard to parking stall size. He provided further testimony in justification of fence height.

Board questions:

Commissioner Malloy and Chairperson Fiermonte questioned Mr. Sambade. Consulting City Planner Apte questioned Mr. Sambade with regard to the number of variances being requested for this application..

Audience questions:

Residents John Ward, Joseph Smith and Waldemar Szklarzewski questioned Mr. Sambade.

Closing remarks:

Residents Laura Ferrante Smith and Waldemar Szklarzewski spoke in opposition to the application.

John Zucker, Esq., respectfully requested the Board look favorably upon this application.

Board comments:

Commissioner Malloy expressed concern that the lot is being overdeveloped.

Commissioners Perez, Becker, Sebik, Patel and Musharbash concurred.

Chairperson Fiermonte concurred with her fellow commissioners and added that there are way too many variances being requested.

Commissioner Valado made a motion to approve the application. Commissioner Malloy seconded the motion. The commissioners voted was unanimously to **DENY** the application.

A short break was taken at 7:34 p.m. and the meeting resumed 7:46 p.m. Secretary Malloy called the roll.

Public Hearing:

Amendment to 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)

Presentation by Suzanne Mack, PP, City Planner

Board questions:

Commissioner Valado questioned Ms. Mack.

Commissioner Sebik made a motion to forward the Board’s findings to the Municipal Council.

Commissioner Valado seconded the motion and a unanimous vote followed.

Public Hearing:

Amended and Restated Scattered Site Redevelopment Plan for Block 393, Lots 19 and a portion of the Gas Station site in Block 393, Lots 16,17,18,19,20 & 21

Presentation by Suzanne Mack, PP, City Planner

Board questions:

Commissioner Valado questioned Ms. Mack.

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

Adoption of Resolutions

- **P-18-041 SHAMIN & HUMAYOUN BAIG – Site: 99-101 West 46th Street in City Block 76, Lot 9**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.
- **P-19-015 – TFG 39-43 W 25TH URBAN RENEWAL, LLC – Site: 39-43 West 25th Street; Block 183, Lot 2.01**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.

- **Amendment to 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)**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote followed.
- **Amended and Restated Scattered Site Redevelopment Plan for Block 393, Lots 19 and a portion of the Gas Station site in Block 393, Lots 16,17,18,19,20 & 21**
 - Commissioner Perez made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote followed.
- **P-17-004 YAKSOK MANAGEMENT, LLC – Site: 977-981 Broadway in City Block 70, Lots 21 & 22 (Resolution rescinding the approval)**
 - Commissioner Perez 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 8:06 p.m.

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

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