



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF REGULAR MEETING
SEPTEMBER 10, 2019**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, September 10, 2019 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairperson Fiermonte called the meeting to order at 6:14 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.

Secretary Malloy called the roll. Present at the meeting were Chairperson Fiermonte and Commissioners Valado Becker, Perez, Malloy, Quintela, Patel, Mathews and mayoral designee Sebik. Mayor Davis was absent.

Also present were Richard N. Campisano, Esq., Board Counsel, Malvika Apte, PP consulting City Planner and Lillian Glazewski, Land Use Administrator.

Adoption of Minutes

Commissioner Valado made a motion to adopt the minutes of the special meeting held on August 13, 2019 and Commissioner Perez seconded the motion. A unanimous vote of eligible members followed.

Communications:

None

Public Hearing:

P-19-025 – RAMEZ NASHED – Site: 150 Avenue F in Block 450, Lot 17 *[The applicant is seeking preliminary and final major site plan approval and bulk variance relief to allow the conversion of a two-family home to a three-family home.]*

Christopher Vitale, Esq., attorney for applicant, appeared on behalf of the applicant Ramez Nashed. Mr. Vitale described the purpose of the application then moved his exhibits into evidence and called his first witness.

Witness

Ramez Nashed, applicant, was sworn to provided factual testimony in support of this application. Mr. Nashed testified that he purchased the property one year ago in a bank closure. He described the condition of the building at the time of purchase including the layout of the unit in question. Mr. Nashed said that he rented the second and third units and kept the first floor unit vacant. Upon a complaint called into the City, the City Zoning Officer inspected the building and found that the first floor unit was not being rented. Mr. Nashed also confirmed with the State that this property was at one time a three-family and was subsequently converted into a two-family.

Board questions:

Commissioner Malloy questioned Mr. Nashed.

Audience:

There were no questions from the general public.

Witness:

Stephen Kawalek, AIA, was sworn to provide expert testimony in support of the application. Mr. Kawalek provided an overview of the application and described the lot size, existing conditions. He also provided a description of the proposed changes. Mr. Kawalek pointed out that the home was at one time designated as a three-family and the use is permitted in the TDO zone. Mr. Kawalek addressed the parking deficiency and said that the property is close to Light Rail. He said that parking is available on the street as well. Mr. Kawalek further testified that the façade of the building will be updated and replaced.

Board questions:

City Engineer Rob Russo and consulting City Planner Malvika Apte questioned Mr. Kawalek.

Audience questions:

There were no questions from the general public.

Audience comments:

Resident Jeffrey Lee commented favorably upon this application. Resident Dorothy Vanacky commented that there are issues with the upkeep of the backyard and hazardous conditions to the residents in the basement area that need to be addressed.

Closing remarks:

Mr. Vitale stated that testimony by the applicant and his expert revealed that the property was in the past recognized as a three-family residence. Mr. Vitale respectfully requested the Board look favorably upon this application.

Commissioner comments:

Chairman Fiermonte said that she was in favor of the application with the condition that the applicant clean up the backyard and basement areas of any hazards.

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

Public Hearing:

P-18-021 JOHN AND MARYAN, LLC – Site: 39-43 Evergreen Street in City Block 320, Lot 3 *[The applicant is seeking minor subdivision approval along with preliminary and final major site plan approval and bulk variance relief to construct three new two-family homes on each newly subdivided lot.]*

John Zucker, Esq., attorney for applicant, gave a brief summary of the application and discussed the relief being sought. Mr. Zucker offered his exhibits into evidence and called his first witness

Witness:

Alan Feld, PP, AIA, was called and sworn to provide expert testimony on behalf of the application. Mr. Feld described the existing lot and how the applicant proposes to subdivide the lot. Mr. Feld addressed the variances required for minimum lot area, minimum lot frontage and minimum lot width and stated that no parking variances were required for this application. He reviewed the Consulting City Planner and Engineer's reports and found their comments acceptable.

Board:

City Planner Apte questioned Mr. Feld.

Resident questions:

Resident Latania Chambers questioned Mr. Feld.

Audience comments:

There were no closing comments from the general public

John Zucker, Esq., said that the testimony given by the applicant's expert shows that the variances requested can be granted.

Commissioner comments:

Commissioner Sebik opined that the lot has been vacant for a very long time and it is good to see that the use of the property will be residential as is called for in the Zoning Ordinance. Chairman Fiermonte agreed as did all their fellow Commissioners

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

Public Hearing:

P-18-021 JOHN AND MARYAN, LLC – Site: 39-43 Evergreen Street in City Block 320, Lot 3 *[The applicant is seeking minor subdivision approval along with preliminary and final major site plan approval and bulk variance relief to construct three new two-family homes on each newly subdivided lot.]*

John Zucker, Esq., attorney for application, offered his exhibits into evidence and called his first witness.

Witness:

Alan Feld, AIA, PP was sworn to provide expert testimony in support of the application. Mr. Feld testified that he prepared by site plan. Mr. Feld talked about the proposed subdivision and nonconforming lots. He said that the variance sought for of the nonconforming lots was de minimis and he described the design of the proposed two-family homes that the applicant would like to build on the subdivided lots. Mr. Feld also addressed the City Planner and City Engineer's comments.

Board questions:

Commissioner Perez questioned Mr. Feld.

Audience questions:

There were no questions from the general public.

Audience comments:

There were no comments from the general public.

Closing remarks:

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

Chairman Fiermonte called for a motion to approve this 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.

A short break was taken at 7:04 p.m. and the meeting resumed at 7:16 p.m. The roll was called.

Public Hearing:

P-19-022 MAHALAXMI FLAGSHIP, LLC – Site Harbor Station South Redevelopment Area; Block 751, Lots 1.04, 1.06, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15 & 1.16 *[The applicant is seeking General Development Plan (GDP) approval pursuant to N.J.S.A. 40:55-D-45 and 45.1 with a vesting of no less than 15 years for a proposed mixed use development that will consist of multiple buildings featuring a new 218 Key premium hotel, 80,906 square feet of retail space and 4,500 residential housing units.]*

Patrick McNamara, Esq., attorney for applicant said that the presentation tonight is a blueprint for a future application. He said that the applicant has already entered into a redevelopment agreement with the City. Mr. McNamara further stated that this will be a multi-phase approach and a collaborate process. Mr. McNamara offered his exhibits into evidence and called his first witness.

Witness:

Stuart A. Johnson, AIA was sworn and accepted as an expert witness. Mr. Johnson gave a power point presentation of the proposed project which depicted the layout and phasing of the development. He said that the development will be built in eight phases which will include residential, commercial and a proposed hotel. Mr. Johnson addressed the comments received from the City's consulting engineer Andrew Raichle.

Board question:

City Planner Suzanne Mack and consulting City Planner Malvika Apte questioned Mr. Johnson.

Audience questions:

There were no questions from the general public.

Witness:

Eric R. Ballou, PE was sworn and recognized as an expert witness. Mr. Ballou testified that he reviewed the General Development Plan (GDP) process and outlined the need for circulation, parking requirement, stormwater management and open space. He said he reviewed the stormwater collection system that will be designed to connect all proposed inlets to the existing storm sewer collection drainage system that conveys the runoff to existing Vortech water quality treatment units prior to discharge into the bay as anticipated in the approved NJDEP permit plans. Mr. Ballou further testified that he reviewed the City's consulting engineer Andrew Raichle's report dated September 9, 2019. He testified that he found the proposed application to be consistent with the Redevelopment Plan.

Board questions:

Consulting City Engineer Andrew Raichle questioned Mr. Ballou.

Audience questions:

There were no questions from the general public.

Witness:

John McDonough, PP, was sworn to provide expert testimony. Mr. McDonough testified that he reviewed the redevelopment plan for compliance. He testified that the application is for the approval of a GDP General Development Plan to continue to repurpose and redevelop the property.

Mr. McDonough said that this plan will consist of multiple buildings featuring a new 218 key hotel, retail space and 4,500 residential housing units.

Board:

There were no questions from the Board.

Audience:

There were no questions from the general public.

Closing Remarks:

Patrick McNamara, Esq. stated that the testimony was complete and he respectfully requested the Board approve the GDP application.

Board comments:

Commissioner Malloy commented that this is a first class project. He congratulated the applicant and said that he looks forward to the completion of this project.

Commissioner Perez concurred and added that this land that has laid fallow for so many years will now be adapted to a good use that will generate ratables to the City.

Chairperson Fiermonte complimented the applicant on the presentation and she looks forward to the applicant filing the application..

Commissioner Sebik commented that this is a very creative plan.

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

A short break was taken at 8:20 p.m. and the meeting resumed at 8:25 p.m. The roll was called.

Public Hearing:

Presentation of Preliminary Investigation to determine whether property located at 1207 and 1209-1211 Kennedy Boulevard in City Block 24, Lots 2 and 3 constitutes a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq. of the Local Redevelopment and Housing Law. (P-19-019)

Presentation by Suzanne Mack, PP, City Planner

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-19-030 Thomas and Lorraine Hansen – Site: 41 West 49th Street in City Block 57, Lots 4 & 5**
 - Commissioner Valado made a motion to approve the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote of eligible members followed.
- **P-19-019 Recommending adoption of the non-condemnation investigation report for property located at 1207-1211 John F. Kennedy Boulevard in City Block 24, Lots 2 and 3**
 - Commissioner Valado made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.

A motion was made to close the meeting at 8:40 p.m.

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

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