



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

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

Chairperson Fiermonte called the meeting to order at 6:09 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, Mathews and mayoral designee Sebik. Mayor Davis and Commissioner Patel were absent.

Also present were Richard N. Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer, Malvika Apte, PP consulting City Planner, Suzanne Mack, PP, City Planner, Andrew Raichle, PE, special project engineer and Lillian Glazewski, Land Use Administrator.

Adoption of Minutes

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

Communications:

- Municipal Council Resolution directing the Planning Board to conduct a preliminary investigation to determine whether property located at 44 & 46 Hook Road in City Block 427, Lots 2 & 4 constitute non-condemnation areas in need of redevelopment pursuant to the LRH Law N.J.S.A. 40A:12A-1 et seq. (*P-19-042*)
- Letter request from Robert A. Verdibello, Esq., attorney for project P-18-002 Angelo Del Russo & Robert M. Kaye (former St. Joseph's property) at 306-322 Avenue E and 317 Avenue E for a one year extension for both the preliminary and final major site plan approval and the minor subdivision approval through June 21, 2020
 - Commissioner Perez made a motion to grant the extension through December 10, 2020 and Commissioner Valado seconded the motion. A unanimous vote followed.
- Letter from Lisa John-Basta, Esq., attorney for LEG-BP Bayonne Owner, LLC requesting a six-month extension to file the major subdivision granted by the Planning Board on December 11, 2018.
 - Commissioner Perez made a motion to grant the extension through May 24, 2020 and Commissioner Malloy seconded the motion. A unanimous vote followed.

Board Reorganization:

- Election of officers for 2020 (nominations and acceptances):

The following Commissioners were nominated and accepted the nominations for the office of Chairperson, Vice-Chairperson and Secretary for calendar year 2020.

- Karen Fiermonte, Chairperson
- Maria Valado, Vice-Chairperson
- Terrence Malloy, Secretary

The nominations were accepted and the Vote was unanimous.

- **Appointment of Support Personnel:**

The following is a list of support personnel unanimously voted in by the Board:

- Richard N. Campisano, Esq., Board Attorney
- Suzanne Mack, P.P., City Planner
- Robert Russo, P.E., consulting City Engineer
- Malvika Apte, consulting City Planner
- Lillian Glazewski, Board Administrator
- Susan Bischoff, C.S.R
- Andrew Raichle, PE, special project engineer.

- **Adoption of 2020 Calendar:**

The Commissioners voted unanimously to adopt the following regular meeting dates for calendar year 2020:

January 14, 2020
February 11, 2020
March 10, 2020
April 14, 2020
May 12, 2020
June 9, 2020
July 14, 2020
August 11, 2020
September 8, 2020
October 13, 2020
November 9, 2020 (alternate)
December 8, 2020

Public Hearing:

P-19-033 – 211-217 BROADWAY, LLC – Site: 211-217 Broadway in City Block 305, Lot 20 *[The applicant is seeking preliminary and major site plan approval to construct an eight-story apartment building with 49 residential units.]*

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

Witness:

Al Sambade, AIA, PP, PE was sworn to provide expert testimony in support of the application. Mr. Sambade testified that he was retained by the applicant to prepare the site plan for the application. Mr. Sambade described the location of the property which he described as an irregular shaped lot. He said that this application is filed in compliance with a redevelopment plan and the applicant meets all of the requirements of the plan. Mr. Sambade further testified that the applicant is proposing to construct an eight-story residential building with forty-nine residential units. He discussed the proposed site improvements and addressed the comments made by the consulting City Engineer Rob

Russo, PE and consulting City Planner, Malvika Apte, PP. The following additional exhibits were submitted by Mr. Sambade and marked into evidence as follows:

- Exhibits A-22 - site photos
- Exhibit A-23 - Material Sample Board; and
- Exhibit A-24 - Large rendition of the proposed building

Board questions:

Commissioners Perez, Mathews and Chairperson Fiermonte questioned Mr. Sambade. City Planner Suzanne Mack and consulting City Planner Apte also questioned Mr. Sambade.

Audience questions:

Residents Miguel Morgano and Walter Osenko questioned Mr. Sambade.

Audience Comments:

There were no comments from the general public.

Closing remarks:

Paul Kapish, Esq., in closing, stated that the application meets all of the goals of the rehabilitation plan and should be approved.

Board comments:

Chairperson Fiermonte said that if the application is approved, a condition should be placed on the approval that the applicant consult with the consulting City Planner Malvika Apte and City Engineer Rob Russo regarding the type of materials to be used on the building. Should the applicant disagree with the final approval of the consulting City Planner and City Engineer, then they would have to return to the Board. Chairperson Fiermonte also expressed her concerns regarding the lack of light in the bedrooms and said that the applicant should work closely with the City professionals to do their best to alleviate the problem.

Commissioners Malloy, Perez, Valado, Sebik and Mathews agreed with Chairperson Fiermonte and added that the structure is beautiful.

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.

A short break was taken at 7:18 p.m. and the meeting resumed at 7:29 p.m. The roll was called.

Public Hearing:

P-19-020 JOHN MARYAN, LLC – Site 42-46 West 36th Street in City Block 126, Lot 37
[The applicant is seeking minor subdivision approval to subdivide the lot into three non-conforming lots and preliminary and final major site plan approval to construct three new two-family homes on the newly subdivided lots.]

John Zucker, Esq., attorney for the applicant gave his opening statement, entered his exhibits into evidence and called the first witness.

Witness:

Al Sambade, PP, PE AIA was sworn to provide expert testimony in support of the application. Mr. Sambade described the existing site and proposed project for the site. He said that the applicant is seeking a minor subdivision of three nonconforming lots for the purpose of building three new two-family homes on the newly subdivided lots. Mr. Sambade described the surrounding area and provided a comparison of lots in the surrounding area to justify the variance for the proposed three nonconforming lot subdivision. Mr. Sambade offered into evidence portions of the Bayonne 2000 Master Plan and Land use plan element. This was marked as Exhibit A-17.

Board questions:

Chairperson Fiermonte, Commissioner Perez, City Engineer Rob Russo and consulting City Planner Malvika Apte questioned Mr. Sambade.

Audience questions:

Resident Peter Hershman questioned Mr. Sambade.

Audience comments:

Residents Denise Belanger, Peter Hershman, Tony Chavil and Marie Johnson all gave opposing comments regarding this application.

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

Board comments:

Commissioner Malloy pointed out that the Board recently heard an application similar to this one that was voted down because of the nonconforming lot sizes and density of the project. He opined that the applicant had sufficient area to construct two conforming two-family homes on this lot.

Commissioner Perez said he had issue with the density and parking.

Commissioners Becker, Sebik, Valado, Mathews and Quintela concurred with Commissioner Malloy and were not in favor of the application. Chairperson Fiermonte felt the detriments outweighed the benefits and also was not in favor.

Commissioner Perez made a motion to approve the application and Commissioner Sebik seconded the motion. All members present unanimous voted against the application and the application was denied,

Public Hearing:

Presentation of Amended Bayonne Bay East Redevelopment Plan for property located at Block 830, Lots 1.05, 1.06 and 1.07 and portions of Memorial Boulevard. (P-15-032)

Presentation by Andrew Raichle, PE consulting City Engineer.

Board questions

Commissioner Sebik questioned Mr. Raichle.

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

Public Hearing:

Presentation of Preliminary Investigation for property located at 103—143 East 22nd Street; 43-75 Mechanic Street; 101 East 22nd Street; East 22nd Street; 105-109 East 21st Street and 128 east 22nd Street in City Block 451, Lots 1.01, 2.03 and 2.05; Block 450, Lots 7 and 8; Block 457.01, Lot 7 and Block 457.02, Lot 4 (*P-19-041*)

Presentation by Suzanne Mack, PP, City Planner

Board questions/comments:

There were no questions or comments from the Board.

Audience questions/comments:

There were no questions or comments from the general public.

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

Public Hearing:

Presentation of Amended Redevelopment Plan for 130-134 Avenue F, East 23rd Street 37, 39 and 41 Mechanic Street in Block 450, Lots 1, 10.01, 10.02, 22, 23 and 24 (*P-17-037*)

Presentation by Suzanne Mack, PP, City Planner and Malvika Apte, PP, consulting City Planner (spoke about the design standards)

Board questions/comments:

There were no questions or comments from the Board

Audience questions/comments:

There were no questions or comments from the general public.

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

Public Hearing:

Presentation of Amended Redevelopment Plan for Avenue F between East 23rd & 24th Streets in City Block 445, Lot 1.01 (*P-16-023*)

Presentation by Suzanne Mack, PP, City Planner and Malvika Apte, PP, consulting City Planner

Board questions / comments:

There were no questions or comments from the Board.

Audience questions / comments:

There were no questions or comments from the general public

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

Public Hearing:

Presentation of Amended Redevelopment Plan for Ken's Marine in City Block 451, Lots 1.01 and 2.05 (*P-13-010*)

Presentation by Malvika Apte, PP, consulting City Planner

Board questions / comments:

There were no questions or comments from the Board.

Audience questions / comments:

There were no questions or comments from the general public.

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

Adoption of Resolutions

- **P-19-034 SUN MEN YAU – Site: 448 Avenue E in City Block 409, Lot 12**

- Commissioner Perez made a motion to approve the resolution and Commissioner Valado seconded the motion. A unanimous vote of eligible members followed.
- **P-18-036 LEG-BP Bayonne Owner, LLC – Site Peninsula at Bayonne Harbor Maritime District** (six-month extension)
 - Commissioner Valado made a motion to approve the resolution and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.
- **P-18-002 Angelo Del Russo & Robert M. Kaye (former St. Joseph’s property) – Site: 306-322 and 317 Avenue E** (one-year extension)
 - Commissioner Perez made a motion to approve the resolution and Commissioner Malloy seconded the motion. A unanimous vote of eligible members followed.
- **P-19-041 Recommending adoption of the non-condemnation investigation report** for property located at 103—143 East 22nd Street; 43-75 Mechanic Street; 101 East 22nd Street; East 22nd Street; 105-109 East 21st Street and 128 east 22nd Street in City Block 451, Lots 1.01, 2.03 and 2.05; Block 450, Lots 7 and 8; Block 457.01, Lot 7 and Block 457.02, Lot 4
 - Commissioner Valado made a motion to approve the resolution and Commissioner Sebik seconded the motion. A unanimous vote of eligible members followed.
- **P-17-037 Recommending adoption of Amended Redevelopment Plan** for 130-134 Avenue F, East 23rd Street 37, 39 and 41 Mechanic Street in Block 450, Lots 1, 10.01, 10.02, 22, 23 and 24
 - Commissioner Valado made a motion to approve the resolution and Commissioner Fiermonte seconded the motion. A unanimous vote of eligible members followed.
- **P-16-023 Recommending adoption of Amended Redevelopment Plan** for Avenue F between East 23rd & 24th Streets in City Block 445, Lot 1.01
 - Commissioner Perez made a motion to approve the resolution and Commissioner Valado seconded the motion. A unanimous vote of eligible members followed.
- **P-13-010 Recommending adoption of Amended Redevelopment Plan** for Ken’s Marine in City Block 451, Lots 1.01 and 2.05
 - Commissioner Valado made a motion to approve the resolution and Commissioner Perez seconded the motion. A unanimous vote of eligible members followed.
- **P-15-032 Recommending adoption of Amended Bayonne Bay East Redevelopment Plan** for property located at Block 830, Lots 1.05, 1.06 and 1.07 and portions of Memorial Boulevard.

- Commissioner Valado made a motion to approve the resolution and Commissioner Perez seconded the motion. A unanimous vote of eligible members followed.

A motion was made to close the meeting at 9:00 p.m.

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

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