



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF MEETING
AUGUST 9, 2022**

A regular in-person meeting of the City of Bayonne Planning Board was held on Tuesday, August 9, 2022 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.

Richard Campisano called the roll. Present at the time of roll call were Chairperson Fiermonte, Commissioners Becker, Veloz, Booker, Maiorano, Beiro and Lack. Mayor Davis, Commissioners Quintela and Valado were not present.

Also present were Richard N. Campisano, Esq., Board Counsel, City Engineer, Maryann Bucci-Carter, PP, AICP consulting City Planner, Darren Mazzei, PE, CME, consulting City Engineer, Suzanne Mack, PP, City Planner and Alicia Losonczy, Planning/Zoning Board of Adjustment Administrator.

Adoption of Minutes

Commissioner Maiorano made a motion to adopt the minutes of the regular meeting held on July 12, 2022 and Commissioner Veloz seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Notice to the Board of Court Order and Statement of Reasons affirming the Planning Board decision for Application P-21-007 - Adam A. Enterprise, LLC - Site: 1209-1211 Kennedy Boulevard in City Block 24, Lot 2
- Letter from Lisa John-Basta, Esq., for application P-21-027 ATLANTIC CEMENT, LLC - Site: Block 481, Lots 5.02 and 5.04 respectfully requesting that the Planning Board consider listing this application first for a public hearing on the August 9, 2022 agenda since the application has been postponed for several months
- Correspondence dated July 28, 2022 from Chris J. Murphy, Esq., attorney for application P-22-010 PROLOGIS, LP – Site: 148 East 5th Street; Block 359, Lot 7, requesting to carry the matter to a Special Meeting on Monday, August 22, 2022 without further notice on the part of the applicant
 - Commissioner Maiorano made the motion to carry the matter to the special meeting scheduled for August 22, 2022 and Chairperson Fiermonte seconded the motion. A unanimous vote followed.
- Correspondence dated July 28, 2022 from Shan-Pei Fanchiang, PE, Senior Project Manager for application P-21-023 WOODMONT BAYONNE PHASE 2 URBAN RENEWAL, LLC – Site: West 52nd Street; Block 37, Lot 1, requesting an announcement be made that this matter will be carried to the Special Meeting on Monday, August 22, 2022 without further notice on the part of the applicant
 - Commissioner Becker made the motion to carry the matter to the special meeting scheduled for August 22, 2022 and Chairperson Fiermonte seconded the motion. A unanimous vote followed.

Appointment of Board Secretary

Richard Campisano, Esq. advised that an appointment of a new Board Secretary is required since Secretary Nadrowski no longer serves in that capacity. Chairperson Fiermonte suggested Commissioner George Becker to serve out the remainder of the term until December 2022 and made a motion for such. Chairperson Maiorano seconded the motion and a unanimous vote of eligible Commissioners followed.

Public Hearing (Item VII):

P-22-020 Bayonne Housing Authority of the City of Bayonne – Site: 7 Oak Court West; Block 471, Lots 1-7 *[Courtesy Application - The applicant proposes a six (6) story building consisting of a two (2) story interior parking deck and the other four (4) stories to contain forty (40) residential apartments;*

twenty (20) will be reserved for senior citizens and twenty (20) will be reserved for residents with developmental disabilities.]

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

Witness #1:

James Virgona, an Architect licensed in the State of New Jersey, was sworn in and accepted by the Board as an expert in his field. Mr. Virgona presented an overview of the Architectural plans that he developed. He stated that the site is located in the 8th Street Rehabilitation Plan and is a trapezoid shape. The project proposed is a six-story building containing forty apartments; garage levels on the lower floors; twenty of the apartments are senior housing units (one-bedroom units only) and twenty are supportive housing units (one- and two-bedroom units). Mr. Virgona testified that there are twenty spaces required for the project and thirty are provided, allowing extra parking for visitors who may need to service the special needs residents. He also stated that there are two electric vehicle parking stations. Mr. Virgona discussed the community room, lobby, study room, senior residents' and supportive residents' office, shared lounge spaces on each floor, roof terrace and façade of the building. He stated trash chutes will be located on every floor and there will be one elevator. Mr. Weeks advised that trash will be removed by the City since it is not a private building.

Board questions:

Chairperson Fiermonte and Commissioner Veloz questioned Mr. Virgona. Ms. Mack made comment.

Audience questions:

Vince Fiodor, 653 Avenue C, questioned Mr. Virgona.

Witness #2:

Evan Jacobs, Professional Engineer licensed in the State of New Jersey, was sworn in and accepted by the Board as an expert in his field. He discussed the site as vacant mowed grass and the

envelope of the building. Mr. Jacobs mentioned that an awning will encroach three feet into the right-of-way and the applicant is aware that City Council approval is required for this encroachment. He discussed the stormwater management plan

Board Questions:

There were no questions for Mr. Jacobs.

Audience Questions:

There were no questions from the audience.

Witness #3:

Suzanne Mack, PP, AICP, City Planner, was sworn in and introduced herself at the City Planner and the City's Affordable Housing monitor. Ms. Mack discussed the project and the COAH housing requirement.

Board Questions:

There were no questions from the Board.

Audience Questions:

There were no questions from the audience.

Public Comment:

There were no comments from the public.

Closing Remarks:

Mr. Weeks asked that the Board vote favorably upon this application

Closed Caucus:

Chairperson Fiermonte advised that it was nice to see this type of project and appreciates the over parking and would be in favor of this application.

Motion:

Commissioner Veloz made a motion to approve the application subject to any and all conditions as spread across the record and Chairperson Fiermonte seconded the motion.

The following vote to approve the application was taken at the hearing on August 9, 2022:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Karen Fiermonte	[X]	[]	[]	[]	[]
Maria I. Valado	[]	[]	[]	[]	[X]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]
Thomas Maiorano	[X]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]
Ramon Veloz (Mayoral Designee)	[X]	[]	[]	[]	[]

Public Hearing (Item VIII):

P-22-006 Consistency Review of a Redevelopment Plan for the property located at 69-73 LeFante Way which property is identified as Block 412, Lot 3 as shown on the official Tax Map of the City of Bayonne pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 Et. Seq. **(formerly Seahorse)**

Presentation by Suzanne Mack, PP, AICP, City Planner. Ms. Mack discussed this as an important project for the area, however, the matter has been noticed and it is the wish of the administration to table the matter no later than the October Planning Board meeting date.

*A short break was taken at 6:54 and the Board reconvened at 7:07 pm. Secretary Becker called the roll.

Public Hearing (Item IX):

P-21-027 – ATLANTIC CEMENT REALTY, LLC - Site: Block 481, Lots 5.02 and 5.04

[The applicant is seeking preliminary and final major site plan approval to construct a two-story, 13,016 square foot warehouse building with roof terrace, ancillary improvements and in-water design features (including a

mooring device). Phase II of this project includes the construction of a 185' silo for which preliminary approval is being sought.]

Lisa John Basta, Esq., the attorney for applicant, gave a brief opening statement, offered her exhibits into evidence and called his first witness. Ms. John-Basta stated that they are seeking preliminary and final approval for the entire project, not just Phase I.

Mr. Campisano asked if Ms. John-Basta would like to address the objection to this application before expert testimony is heard. Mr. Kenneth D. McPherson III, represents a neighboring property, IMTT, claimed that a jurisdictional issue is present in regard to the notice provided by the applicant. The notice is eight months old and includes property that is not owned by the applicant. He cited Brower Development Corporation vs Township of Clinton. Mr. McPherson claimed this application is not a cohesive application for the site. He provided a copy of the easement which was entered as Exhibit A-25.

Ms. John-Basta addressed Mr. McPherson's points and referenced the area of the easement that is in dispute which is located within a New Jersey waterway and not within the jurisdiction of the Board. Ms. John-Basta testified that what happens with this parcel in which the dolphin is located, is not within the Board's jurisdiction. She further advised that notices were provided to the property owners within a two-hundred-foot radius on July 28, 2022. Ms. John-Basta stated that Atlantic Cement, LLC was designated as the redeveloper for this parcel. She also stated that the Mayor of the City of Bayonne signed a consent to allow the applicant to submit this application.

Chairperson Fiermonte asked Mr. Campisano for his opinion. Mr. Campisano called upon the city Engineer Andrew Raichle, who mentioned that land use applications are restricted to land. Mr. Campisano advised that he believes Ms. John-Basta is correct to proceed.

Witness #1:

Samuel Renauro, an Engineer licensed in the state of New Jersey, was sworn in and accepted by the Board as an expert in his field. He discussed the site was a total of six acres, with 3.2 acres

being in water. The purpose of the application is to create a safer and more resilient site for the existing cement company. Most of the site will be raised more than four to five feet and existing silos would remain in operation during Phase I. Mr. Renauro testified that the existing boat ramp will remain and discussed the gangways and mooring devices on the site. He testified to the circulation plan, trash and parking on the site. He stated that a waiver is required for bicycle parking and sidewalks and a variance is being requested for a six-foot high, chain-link fence with barbed wire. Landscaping will be provided and he testified that trash collection will be performed by a private hauler. The applicant will be pursuing payment in lieu of the waterfront walkway that is required by the Redevelopment Plan. Ms. John-Basta said payment could be linked to the application through the Redeveloper's Agreement.

Board questions:

There were no questions from the Commissioners. Maryann Bucci-Carter and Andrew Raichle, PE questioned Mr. Renauro.

Audience questions:

There were no questions from the audience.

Witness #2:

Brendan Leadbeater, Architect licensed in the State of New Jersey, was sworn in and accepted by the Board as an expert witness. He discussed the proposal of a two-story building measuring 13,600 square feet with one elevator. Mr. Leadbeater testified that if a green roof is required, it will be provided. He described the façade will include painted concrete, concrete panel glazing and a projected canopy accented by horizontal reveals. Mr. Leadbeater feels the designs complies with the standards in the Redevelopment Plan. There is no sign proposal submitted at this time as they do not have a tenant as of yet.

Board Questions:

There were no questions from the Board members.

Audience Questions:

There were no questions from the audience.

Witness #3:

John McDonough, Professional Planner licensed in the State of New Jersey, was sworn in and accepted as an expert in his field. Mr. McDonough testified that the land is ideal for the proposed project located at the end of Hook Road. The only relief requested is for a bike rack, pedestrian walkway and for the allowance of the fence. He feels the benefits of the application as a whole outweigh the negative criteria with the minimal relief the applicant is seeking. Mr. McDonough feels this is a good application and can be approved without substantial detriment to the community. He believes this to be a reasonable and appropriate project for the site.

Board Questions:

Commissioners Maiorano and Veloz questioned Mr. McDonough. City Engineer Andrew Raichle said that cement is brought into this site but concrete is not made at the site.

Audience Questions:

There were no questions from the audience.

Witness #4:

Francesco Alessi, owner of the property, testified that Portland Cement is brought in and then transferred into the silo pneumatically. Then trucks would come in to get loaded and pick up the product.

Board Questions:

There were no questions from the Board.

Audience Questions:

Todd Heuer, Vice President of the Building Trades Union, questioned Mr. Alessi.

Closing Remarks:

Ms. John-Basta asked that the Board vote favorably upon this application as it is conforming with the Redevelopment Plan and asking minimal relief.

Closed Caucus:

Chairperson Fiermonte stated that she is willing to vote favorably with the variances and waivers requested of this application.

Motion:

Chairperson Fiermonte made a motion to approve the application subject to any and all conditions as spread across the record and Commissioner Maiorano seconded the motion.

The following vote to approve the application was taken at the hearing on August 9, 2022:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Karen Fiermonte	[X]	[]	[]	[]	[]
Maria I. Valado	[]	[]	[]	[]	[X]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]
Thomas Maiorano	[X]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]
Ramon Veloz	[X]	[]	[]	[]	[]
(Mayoral Designee)					

***A short break was taken at 8:07 and the meeting reconvened at 8:18 pm. Secretary Becker called the roll.**

Public Hearing (Item X):

P-21-019 – AMS EQUITIES, LLC - Site: 132, 140, 154, 157-163 Avenue E in City Block 458, Lots 1.02, 1.03; Block 467, Lot 23; Block 234, Lot 8.01 *[The applicant is proposing two multi-story mixed use buildings with 286 residential units and retail/commercial ground level with parking.]*

Michael Miceli, Esq., the attorney for applicant, gave a brief opening statement, offered his exhibits into evidence and called his first witness. This area is subject to a Redevelopment Plan and the applicant is requesting preliminary and final major site plan approval along with minor subdivision. Mr. Miceli advised that a letter was submitted withdrawing the signage proposal.

Witness #1:

Dean Marchetto, an Architect licensed in the State of New Jersey, was sworn in and accepted by the Board as an expert in his field. He oriented the Board to the site and testified to the existing site as well as the proposed buildings, parking lots and automated garage. He testified to the number of units, amenities, the roof terrace, mechanicals, refuse removal, mail/package room, transformer room, setbacks, retail spaces, automated parking garage and façade. He advised that a Building Manager will be on site. There was no signage proposed and Mr. Marchetto said that a signage proposal will be submitted when a tenant is secured. He testified that three-hundred and eighty-nine (389) spaces will be provided in the garage and twenty (20) more parking spaces in the other lot. Mr. Marchetto stated four-hundred and three (403) spaces are required and the applicant has provided four-hundred and nine (409) parking spaces. Mr. Marchetto stated the project is in compliance with the Redevelopment Plan. The windows will have common shades and will all match. Trash will be removed by a private hauler via a loading dock. Electric vehicle parking will be available at the twenty (20) parking spaces in the surface parking lot. Affordable housing obligations will provide a contribution according to the Redeveloper's Agreement; the state law dictates two and half (2.5) percent.

Board questions:

Commissioners Fiermonte and Veloz questioned Mr. Marchetto. Mr. Mazzei and Ms. Bucci-Carter questioned Mr. Marchetto.

Audience questions:

There were no questions from the audience.

Witness #2:

Tiago Duarte, an Engineer licensed in the State of New Jersey, was sworn in and testified to the Civil Set of the Site Plan of this application. He stated that currently there are four lots and after the consolidation there will still remain four lots, however, in a different configuration. He testified to the parcels and the proposed building designs which comply with all the requirements and design elements of the Redevelopment Plan. He explained that each curb cut is eighteen (18) feet and each building has one curb cut. Mr. Duarte advised that the Traffic Signal Plan will be submitted for review and approval of the city's professionals. He also discussed the lighting and landscaping plans.

Board Questions:

Commissioners Veloz and Maiorano questioned Mr. Duarte. Mr. Mazzei and Ms. Bucci-Carter questioned Mr. Duarte.

Audience Questions:

There were no questions from the audience.

Witness #3:

John McDonough, a Professional Planner licensed in the State of New Jersey, was sworn in and testified to the buildings, parking and amenities for the proposed project. He discussed the parcels and proposed building designs which comply with all the requirements and design elements of the Redevelopment Plan. Mr. McDonough testified to the conformity of this project in regard to the use, bulk and design. Mr. McDonough said this project is a perfect fit for the sight.

Board Questions:

Commissioner Veloz questioned Mr. McDonough.

Audience Questions:

There were no questions from the audience.

Comment Portion:

Patrick Kelleher, President of the Hudson County Building Trades, was in in favor of this application.

Closing Remarks:

Mr. Miceli asked that the Board vote favorably upon this application

Closed Caucus:

Chairperson Fiermonte requested that the parking be made acceptable as a condition of approval and would then vote in favor of this application.

Motion:

Commissioner Booker made a motion to approve the application subject to any and all conditions as spread across the record and Commissioner Fiermonte seconded the motion.

The following vote to approve the application was taken at the hearing on August 9, 2022:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Karen Fiermonte	[X]	[]	[]	[]	[]
Maria I. Valado	[]	[]	[]	[]	[X]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]
Thomas Maiorano	[X]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]
Ramon Veloz	[X]	[]	[]	[]	[]
(Mayoral Designee)					

Adoption of Resolutions:

• **P-22-020 – BHA Oak Street Development for 7 Oak Court West; Block 471, Lots 1-77
LOWER HOOK ROAD, LLC**

- Commissioner Fiermonte made a motion to approve the resolution and Chairperson Maiorano seconded the motion.

The following vote to approve the application was taken at the hearing on August 9, 2022:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Karen Fiermonte	[X]	[]	[]	[]	[]
Maria I. Valado	[]	[]	[]	[]	[X]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]
Thomas Maiorano	[X]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]
Ramon Veloz (Mayoral Designee)	[X]	[]	[]	[]	[]

On motion by Commissioner Fiermonte, seconded by Commissioner Veloz, the Board unanimously voted to close the meeting. Meeting adjourned at 9:51 pm.

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

/akl