



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF MEETING
MARCH 14, 2023**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, March 14, 2023 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Vice-chairperson Valado called the meeting to order at 6:18 p.m. and led all in the Pledge of Allegiance to the Flag. Vice-chairperson Valado advised that the Board has complied with the Open Public Meetings Act/Sunshine Law.

Secretary Becker called the roll. Present at the time of roll call were Vice-chairperson Valado, Secretary Becker, Commissioners Booker, Veloz, Maiorano and Lach. Mayor Davis, Chairperson Fiermonte, Commissioners Beiro and Quintela were not present.

Also present were Richard N. Campisano, Esq., Board Counsel, Robert J. Russo, City Engineer, Brian M. Slauch, PP, AICP, consulting City Planner, Suzanne Mack, PP, AICP City Planner, and Alicia Losonczy, Planning/Zoning Board of Adjustment Administrator.

Adoption of Minutes

Commissioner Becker made a motion to adopt the minutes of the special meetings held on February 22, 2023. Chairperson Veloz seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Letter dated March 3, 2023 from Donald M. Pepe, Esq. – 101 BAYONNE, LLC – Site: 101 East 2nd Street; Block 359, Lot 4.03, advising that the applicant is requesting the matter be carried to the regular meeting to be held on April 11, 2023 (**P-22-025**)

- Commissioner Booker made a motion to carry the matter to the April 11, 2023 hearing and Commissioner Veloz seconded the motion. A unanimous vote followed.
- Letter from Charles J. Harrington III, Esq. requesting an extension for Ram Development, LLC Site: 130-134 Avenue F, East 23rd Street; Block 450, Lot 1.01 and 37-41 Mechanic Street; Block 450, Lots 1, 10.01, 10.02, 22, 23 and 24 until August 11, 2024 (**P-20-004**)
 - Commissioner Booker made the motion to allow the extension until August 11, 2024 and Commissioner Veloz seconded the motion. A unanimous vote followed.
- Letter from Michael Miceli, Esq. requesting an extension for AMS EQUITIES, LLC Site: 157-163 Avenue E, 132 Avenue E, 140 Avenue E, 154 Avenue E; Block 234, Lot 8.01; Block 467, Lot 23; Block 458, Lots 1.02 and 1.03 until September 13, 2023 (**P-21-019**)
 - Commissioner Booker made the motion to allow the extension until September 11, 2023 and Commissioner Veloz seconded the motion. A unanimous vote followed.
- Municipal Council Resolution designating a portion of the property located at 250 East 22nd Street and designating as a portion of Block 419, Lot 1 as a non-condemnation area pursuant to the LRHL N.J.S.A. 40A:12A-1 et seq., and authorizing and directing the Planning Board of the City of Bayonne to prepare a Redevelopment Plan (**Bayonne Energy Center III – P-16-008**)
- Municipal Council resolution authorizing and directing the Planning Board to re-open and consider amendments to the “Amended and Restated Scattered Site Redevelopment Plan, NJ Transit 34th Street Station, City Block 404, Lots 1, 2 and 3 and Block 408, Lots 1 and 2, dated March 5, 2019” (**a.k.a. Amended Scattered Site RDP - P-13-001**)
Please note: Correct block is 407 (not 404) and correct date is March 12, 2019 (not March 5, 2019)
- Municipal Council resolution authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether a portion of a certain property located at 21-29, 35 and 37 West 25th Street which property is identified as Block 183, Lots 5, 6 and 8.01 within the City constitutes a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (**The Forum Fitness Club - P-23-005**)
- Municipal Council resolution authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether a portion of a certain property located at 431-433 Broadway, 435-437 Broadway, 10-12 West 20th Street and 11-13 West 19th Street which property is identified as Block 220, Lots 18, 23, 24, 25 and 26 within the City constitutes a non-condemnation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (**Bayonne Go Cart/ Jackson Hewitt/Retro Fitness - P-23-006**)

A short break was taken at 6:32 p.m. and the meeting resumed at 6:44 p.m. to try to repair the projector. Mr. Miceli decided tangible exhibits would be used instead of virtual exhibits for his presentation.

Public Hearing (Item VI):

P-10-001 (subfolder) – Presentation of an Amended and Restate Sub-area Plan of the 8th Street Station Rehabilitation Area Plan for property identified as 17-29 Evergreen Street, 219, 221 and 223 Orient Street in City Block 306, Lots 1, 2, 3 and 4 respectively 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. (Bergen Point 69kV Class H Substation)

Consulting City Planner Brian Slaugh, PP, AICP was sworn in to provide expert testimony as to the Amended and Restated Sub-Area of the 8th Street Station Rehabilitation Area Plan. Mr. Slaugh testified that the Municipal Council authorized and directed the Planning Board to prepare an Amended and Restated Sub-area Plan of the 8th Street Station Rehabilitation Plan. He described the necessity of the amendment for the height of the PSE&G site proposal. He discussed the design standards

Board questions:

Commissioner Maiorano questioned Mr. Slaugh. Ms. Mack made comment in response to Mr. Maiorano's question.

Resident questions:

There were no questions from the general public.

Commissioner Maiorano made a motion to forward the Board's recommendation on the adoption of the Amended and Restated Sub-area Plan of the 8th Street Station Rehabilitation Area Plan and Commissioner Booker seconded the motion. A unanimous vote followed.

The following vote to approve the Amended and Restated Sub-area Plan of the 8th Street Station Rehabilitation Area Plan was taken at the hearing on March 14, 2023:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>	<i>Not Voting</i>
Karen Fiermonte	[]	[]	[]	[]	[X]	[]
Maria I. Valado	[X]	[]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]	[]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[X]	[]	[]	[]	[]	[]
(Mayoral Designee)						

Public Hearing (Item VIII):

P-22-032 – QOZ PROSPECT PROPERTY URBAN RENEWAL, LLC – Site: 33 Prospect Avenue; Block 455, Lot 1.01 *[The applicant for this amended application is seeking preliminary and final major site plan approval along with bulk variance relief to construct a six-story, multi-family residential building containing 85 residential units and 85 parking spaces; the prior approval was for application # P-19-044.]*

Michael Miceli, Esq., attorney for applicant, gave his opening statement, offered his exhibits into evidence and called his first witness. The purpose of this application is to modify the proposal since site restraints have dictated the revisions brought forth on this amended application.

Witness #1:

Adrian Melia, an Architect licensed in the state of New Jersey, was sworn in and testified that the two main concerns that created the need for the amended application are discussed herein. First, the force main on the site can't be built upon and relocating it would not be realistic for the applicant. Therefore, tonight's proposal relocated the development off of the area where the force main is located. Secondly, the mechanical parking pits were immediately adjacent to the retaining wall near the train track in the rear of the project. Any construction could impact the structure of this wall so this amended

proposal eliminates this as a possibility. Mr. Melia testified further to all the details pertaining to this amended application. He advised that four parking spaces were lost as a result of switching from mechanical to two levels of traditional parking and the building is slightly smaller than previously proposed since the rear-yard setback was decreased. Mr. Melia discussed another modification from the prior application to this proposal is twenty-foot curb cut located on Prospect Avenue, instead of a ten-foot curb cut, since the mechanical parking was eliminated. He introduced additional exhibit A-32, an updated parking layout, acknowledging that this area may change in conjunction to what the NJDEP requires of the applicant. Mr. Melia asked that the Board provide the waivers being requested for this project. He testified that trash removal and recycling will be removed by a private hauler.

Board questions:

Commissioner Veloz, Maiorano, Booker, Mr. Slauch and Mr. Russo questioned Mr. Melia.

Resident questions:

Carlos Hernandez, who resides at 45 Prospect Avenue, requested if Mr. Melia could provide a garage door alarm during school hours since there is a school directly across the street. Mr. Melia advised that it could be added to the project.

Witness #2:

Tiago Duarte, a Civil Engineer currently licensed in the state of New Jersey, was sworn in and stated that the bulk of the application is that the building scale footprint has been reduced as a result of the forced main and will include new sidewalks, new curbing, lighting and streetscape. Mr. Duarte discussed the material differences at the garage entry sidewalk and went into detail with the decreased in the building setbacks. He commented that the Flood Hazard permit will be submitted to the NJDEP for this application.

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the general public.

Witness #3:

John McDonough, a Professional Planner licensed in the state of New Jersey, was sworn in and testified to the zoning table on the proposal for this project. He discussed the close proximity to the 22nd Street Hudson-Bergen Light Rail. Mr. McDonough discussed the quality development of this project and explained that the relief being requesting is minimal. He further explained that this is a good project with the modifications, that the positive criteria outweighs the negative criteria and requested that the Board vote favorably upon it.

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the general public.

Statement/Comments:

There were no statements or comments from the public.

Closed Session:

Commissioner Veloz requested that right turns only be made a condition of approval.

Commissioner Becker made a motion to approve the application subject to any and all conditions spread across the record and Chairperson Booker seconded the motion. A unanimous vote followed.

The following vote to approve the application was taken at the hearing on March 14, 2023:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>	<i>Not Voting</i>
Karen Fiermonte	[]	[]	[]	[]	[X]	[]
Maria I. Valado	[X]	[]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]	[]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz (Mayoral Designee)	[X]	[]	[]	[]	[]	[]

Adoption of Resolutions:

- **P-22-004 – RAM DEVELOPMENT, LLC – Site: 130-134 Avenue F, East 23rd Street; Block 450, Lot 1.01 and 37-41 Mechanic Street; Block 450, Lots 10.01, 10.02, 22, 23 and 24 until August 11, 2024 (extension)**
 - Commissioner Becker made a motion to approve the resolution and Commissioner Veloz seconded the motion.

The following vote to approve the application was taken at the hearing on March 14, 2023:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>	<i>Not Voting</i>
Karen Fiermonte	[]	[]	[]	[]	[X]	[]
Maria I. Valado	[X]	[]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]	[]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz (Mayoral Designee)	[X]	[]	[]	[]	[]	[]

- **P-21-019 – AMS EQUITIES, LLC - Site: 157-163 Avenue E, 132 Avenue E, 140 Avenue E, 154 Avenue E; Block 234, Lot 8.01; Block 467, Lot 23; Block 458, Lots 1.02 and 1.03 until September 13, 2023**

- Commissioner Becker made a motion to approve the resolution and Chairperson Booker seconded the motion.

The following vote to approve the application was taken at the hearing on March 14, 2023:

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>	<i>Not Voting</i>
Karen Fiermonte	[]	[]	[]	[]	[X]	[]
Maria I. Valado	[X]	[]	[]	[]	[]	[]
George Becker	[X]	[]	[]	[]	[]	[]
Loyad Booker, Jr.	[X]	[]	[]	[]	[]	[]
Michael Quintela	[]	[]	[]	[]	[X]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[X]	[]	[]	[]	[]	[]
(Mayoral Designee)						

On motion by Commissioner Maiorano, seconded by Commissioner Veloz, the Board unanimously voted to close the meeting. The meeting adjourned at 7:57 pm.

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

/akl