



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF MEETING
FEBRUARY 6, 2024**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, February 6, 2024 in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairperson Fiermonte called the meeting to order at 6:13 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 Becker called the roll. Present at the time of roll call were Chairperson Fiermonte, Secretary Becker, Commissioners Booker, Valado, Veloz and Lach. Mayor Davis, Commissioners Maiorano, Beiro and Lawandy were not present.

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

Adoption of Minutes:

Commissioner Chairperson Fiermonte made a motion to adopt the minutes of the special meetings held on January 29, 2024. Commissioner Booker seconded the motion. A unanimous vote of eligible members followed.

Communications:

- Letter from Andrew Raichle, PE dated February 6, 2024 stated that Item 12(f) of Application P-22-018 – Om Ganesh Bayonne, LLC required the applicant to submit certain items as an update to the governing General Development Plan approved under Application P-19-022. The applicant submitted a GDP amended application (P-23-017) that includes the requested information, therefore, Item 12(f) of Resolution P-22-018 is considered satisfied. **(P-22-018 / P-23-017 / P-23-017)**
- Communication from Michael Miceli, Esq. dated January 22, 2024 requesting the application for 745-747 Broadway, LLC Site: 745-747 Broadway in City Block 139, Lots 18 and 19 be adjourned until the April 9, 2023 meeting **(P-22-028)**
 - Chairperson Fiermonte made the motion to carry the matter to the April 9, 2024 meeting and Commissioner Becker seconded the motion. A unanimous vote followed.
- Suzanne Mack, Planner, discussed an application for Green Acres funding which includes the ROSI (Recreation and Open Space Inventory) list (which must be dated within one year of the application) and requires the Planning Board Chairperson, Karen Fiermonte, to sign in order to certify that the five pages attached are an accurate list. Copy of said application is attached herewith.
- Municipal Council Resolution Authorizing and Directing the Planning Board to conduct a preliminary investigation to determine whether property located at 19-45 West 55th Street in City Block 28, Lots 2 and 3 within the City constitute 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. and authorizing the preparation of a redevelopment plan for the property **(P-24-004)**
- Municipal Council Resolution Authorizing and Directing the Planning Board to conduct a preliminary investigation to determine whether property located at 13 East 33rd Street, 734-756 Broadway in City Block 140, Lots 2, 56, 57, 58, 59.01, 60, 61, and 62 within the City constitute 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. and authorizing the preparation of a redevelopment plan for the property **(P-24-005)**
- Municipal Council Resolution Authorizing and Directing the Planning Board to prepare a Redevelopment Plan for certain properties located at 28-34 East 22nd Street in City Block 212, Lots 30, 31, and 32 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. **(P-24-007)**

Item VI. -Annual Report:

2023 Calendar Year Annual Report from the Zoning Board for informational purposes

Item VII. - Presentation of Zoning Ordinance Amendment:

P-24-001(a) Presentation of Zoning Ordinance amendment to Chapter 33 – Planning and Development Regulations which will require landlords and property owners to provide occupants and tenants written notification of Bayonne’s ordinance that prohibits parking permits being issued to occupants of residential redevelopment areas.

Presentation by Joseph D. Skillender, Esq., Director of Planning, Zoning, and Development

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the public.

Statements:

There were no statements from the audience.

Chairperson Fiermonte made a motion to forward the Board’s recommendation on the City Council to modify the Ordinance and Commissioner Becker seconded the motion.

The following vote to approve the amendment to the Zoning Ordinance was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[]	[]	[]	[]	[X]	[]
(Mayoral Designee)						

Item VIII. - Presentation of Zoning Ordinance Amendment:

P-24-001(b) Presentation of Zoning Ordinance amendment to Chapter 33 – Planning and Development Regulations to update the definitions of “Habitable Space”, “Story” and “Story, Half” to coincide with the updates to the Uniform Construction Code

Presentation by Joseph D. Skillender, Esq., Director of Planning, Zoning, and Development

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the public.

Statements:

There were no statements from the audience.

Chairperson Fiermonte made a motion to forward the Board’s recommendation on the City Council to modify the Ordinance and Commissioner Becker seconded the motion.

The following vote to approve the amendment to the Zoning Ordinance was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[]	[]	[]	[]	[X]	[]
(Mayoral Designee)						

Item IX. - Presentation of Zoning Ordinance Amendment:

P-24-001(c) Presentation of Zoning Ordinance amendment to Chapter 33 – Planning and Development Regulations, Section 12, to update the redevelopment application fees and escrow requirements

Presentation by Joseph D. Skillender, Esq., Director of Planning, Zoning, and Development

Board questions:

Commissioner Booker requested the amounts be shared with the Board.

Resident questions:

There were no questions from the public.

Statements:

There were no statements from the audience.

Chairperson Fiermonte made a motion to forward the Board’s recommendation on the City Council to modify the Ordinance and Commissioner Becker seconded the motion.

The following vote to approve the amendment to the Zoning Ordinance was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[]	[]	[]	[]	[X]	[]
(Mayoral Designee)						

****Commissioner Maria Valado joined the meeting at 6:40 pm.***

Item X. - Presentation of Zoning Ordinance Amendment:

P-24-001(d) Presentation of Zoning Ordinance amendment to Chapter 33 – Planning and Development and Chapter 35 – Zoning Regulations to remove the I-H-O District and modify the I-H District to allow for Alternative Energy Production, Storage, and Transmission as conditional uses in the Constable Hook Area.

Presentation by Joseph D. Skillender, Esq., Director of Planning, Zoning, and Development

Board questions:

Ms. Mack made comment.

Resident questions:

There were no questions from the public.

Statements:

There were no statements from the audience.

Chairperson Fiermonte made a motion to forward the Board's recommendation on the City Council to modify the Ordinance and Commissioner Becker seconded the motion.

The following vote to approve the amendment to the Zoning Ordinance was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[]	[]	[]	[]	[X]	[]
(Mayoral Designee)						

Item XI. - Presentation of Zoning Ordinance Amendment:

P-24-001(e) Presentation of Zoning Ordinance amendment to Chapter 33 – Planning and Development Regulations to regulate short term rentals within the City of Bayonne by establishing a permitting and inspection process for short term rental properties which goes into effect on July 1, 2024

Presentation by Joseph D. Skillender, Esq., Director of Planning, Zoning, and Development

Board questions:

Chairperson Fiermonte, Commissioners Booker, Valado, and Veloz questioned Mr. Skillender.

Resident questions:

There were no questions from the public.

Statements:

There were no statements from the audience.

Chairperson Fiermonte made a motion to forward the Board’s recommendation on the City Council to modify the Ordinance and Commissioner Becker seconded the motion.

The following vote to approve the amendment to the Zoning Ordinance was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[X]	[]	[]	[]	[]	[]
Jack Beiro	[X]	[]	[]	[]	[]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[]	[]	[]	[]	[X]	[]
(Mayoral Designee)						

****A short break was taken at 7:42. Commissioner Becker took a roll call and the meeting reconvened at 7:53 pm.****

Item XII. - Public Hearing:

P-24-004 - Presentation of a Non-Condemnation Area in Need of Redevelopment Study for property located at 19-45 West 55th Street in City Block 28, Lots 2 and 3 to develop a map reflecting the boundaries of the proposed non-condemnation redevelopment area and to determine whether said property constitutes a non-condemnation area in need of redevelopment in pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (*Flortek Corporation Industrial Site*)

City Planner Suzanne Mack, PP, AICP provided expert testimony as to the Area in Need of Redevelopment Study for the property that has been Flortek Corporation Industrial Site. She explained how this building has been in existence in this location for over sixty-four years old. Ms. Mack testified that this parcel is located in the R-2 Zone and over 4.8 acres. She provided a property analysis based on field reconnaissance and review of public documents. Ms. Mack advised that this parcel is located in the UEZ – Urban Enterprise Zone and that this building has outlived its usefulness and is obsolete, therefore, recommends this Study be approved by the Board.

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the general public.

Chairperson Fiermonte made a motion to forward the Board's recommendation on the adoption of the Study and Commissioner Valado seconded the motion.

The following vote to approve the amendment to the Zoning Ordinance was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[]	[]	[]	[]	[X]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[X]	[]	[]	[]	[]	[]

(Mayoral Designee)

Item XIII. - Public Hearing:

P-23-021 – PSE&G BERGEN POINT SUBSTATION – Site: 17-29 Evergreen Street and 219-233 Orient Street; Block 306, Lots 1, 2, 3, and 4 *[The applicant is seeking preliminary and final major site plan approval to construct a new 69/13kV Substation and expand the 69kV network. The current station designed in the 1920's and the applicant is proposing a new station with seven breaker GIS ring bus, a 60/13kV GIS Building, two 69/13 kV transformers, one 13 kV switchgear enclosure, associated electrical process equipment and a decorative perimeter fence as well as a section of perimeter wall.]*

Robert Verdibello, Esq., the attorney for the applicant, offered his exhibits into evidence and called his first witness. He advised that PSE&G purchased the adjacent properties at 219-233 Orient Street and the project is based on all parcels. Mr. Verdibello said that a lot consolidation is also proposed.

Witness #1:

Eugene Hernandez, the Senior Project Manager, was accepted as a factual witness and sworn in. He explained that the site requires major modifications to serve the customers of the area and commented that the new substation will increase capacity and allow PSE&G to support more

customers. He advised that construction would take approximately three years and if approved, can begin construction in the second part of this year. Mr. Hernandez testified to the noise and illumination proposed to be at this site.

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the public.

Witness #2:

Michael Blake, Project Engineer, was accepted as an expert witness and sworn in. He testified to the subject location and what the applicant is proposing with regard to the upgrade of the electrical substation at the site and the newly acquired surrounding lots 2, 3, and 4. Mr. Blake testified that the new substation will be unmanned and there will be no employees stationed at the site. He commented that the station will be enclosed and there will be an interior road to be used for employees accessing the site approximately once a week for maintenance.

Board questions:

Mr. Russo and Mr. Clavelli questioned Mr. Blake.

Resident questions:

There were no questions from the general public.

Witness #3:

Mark Oquist, Architect, was accepted as a expert witness and sworn in. He testified to the buildings specifications and the enclosed quarter connecting them. Mr. Oquist discussed the equipment that will be elevated inside the buildings and all elevations. He commented on the cornices, faux windows, and façade. He advised that the sidewalk will be repaved and that an anti-graffiti coating will be placed on the exterior.

Board questions:

Chairperson Fiermonte, Commissioners Booker and Veloz questioned Mr. Oquist.

Mr. Hernandez advised that the fence has a natural curvature at the top as a security deterrent. He also advised that cameras will be present for security and badged access is required for entry.

Resident questions:

There were no questions from the general public.

Witness #4:

John Futey, Landscaping Architect, was accepted as a expert witness and sworn in. He testified to an overview of the landscaping proposed at the site to enhance the streetscape at the site. Mr. Futey also advised that the current overgrowth will be cleaned up.

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the general public.

Witness #5:

Noreen Merainer, Professional Planner, is the Licensing Project Manager, was accepted as an expert witness and sworn in. She testified to the Bergen Point Substation which is located in the 8th Street Rehabilitation Plan. Ms. Merainer advised that the use is a permitted principal use. She advised that an identification sign will designate the substation and a two by three sheet metal sign is proposed. Ms. Merainer testified that PSE&G purchased the property in 1926 and the attractive building and new fencing will be a nice upgrade to the area. She asked that the Board vote favorably since this proposal is in conformity with the Master Plan and the Redevelopment Plan.

Board questions:

Ms. Mack questioned Ms. Merainer.

Resident questions:

There were no questions from the general public.

Board/Resident Statements:

There were no statements from the Board or the public.

Closed Caucus:

Chairperson Fiermonte expressed that she feels this is an exciting project and commends the applicant for working with our City Officials. She feels the project is attractive and will be voting in favor of it.

Chairperson Fiermonte made a motion to approve the application and Commissioner Valado seconded the motion.

The following vote to approve the application was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[]	[]	[]	[]	[X]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[X]	[]	[]	[]	[]	[]
(Mayoral Designee)						

****A short break was taken at 9:17. Commissioner Becker took a roll call and the meeting reconvened at 9:22 pm.****

Item XIV. - Public Hearing:

P-23-023 – MOHAMED ELZOKM – Site: 118-120 West 25th Street; Block 187, Lot 25

[The applicant proposes to demolish the existing one-family house, subdivide the lot into two lots; variances are required for number of stories and lot width]

Peter Cecinini, Esq., the attorney for the applicant, offered his exhibits into evidence and called his first witness.

Witness #1

Steve Kawalek, an Architect, licensed in the State of New Jersey, was accepted as an expert witness and sworn in. He testified to the oversized pre-existing lot that currently contains a dilapidated house located in the R-2 Zone. Mr. Kawalek explained that the applicant proposes to subdivide the property and build two new two-family dwellings. He testified to the details involved in this proposal including the relief being requested by the applicant. Mr. Kawalek described the positive criteria and advised that the benefits greatly outweigh any detriment.

Board questions:

There were no questions from the Board.

Resident questions:

There were no questions from the general public.

Board/Resident Statements:

There were no statements from the audience.

Chairperson Fiermonte made a motion to approve this application and Vice-Chairperson Valado seconded the motion.

The following vote to approve the application was taken at the hearing on February 6, 2024:

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]	[]	[]	[]	[]	[]
Thomas Maiorano	[]	[]	[]	[]	[X]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[X]	[]	[]	[]	[]	[]
(Mayoral Designee)						

Item XV. - Public Hearing:

P-23-028 – 525 AVENUE E PARTNERS, LLC – Site: 525-527 Avenue E; Block 140,

Lot 23 *[The applicant is seeking preliminary and final major site plan approval to construct a new three-family residential structure requesting bulk variance relief for lot size, frontage, front yard setback, lot coverage and curb cut size.]*

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

Witness #1:

Al Sambade, a Professional Planner licensed in the State of New Jersey, was accepted as an expert witness and sworn in. He explained the project located in the TDD – Transit Development District Zone. Mr. Sambade testified to the project and explained the relief requested. He also briefly discussed lighting, landscaping and stormwater for this proposal. Mr. Sambade said this project will be a benefit to the neighborhood and recommended this application be approved.

Board questions:

Mr. Russo and Mr. Clavelli made comment.

Resident questions:

There were no questions from the public.

(Mayoral Designee)

<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]	[]	[]	[]	[]	[]
Thomas Maiorano	[]	[]	[]	[]	[X]	[]
Jack Beiro	[]	[]	[]	[]	[X]	[]
Ahmed Lack	[X]	[]	[]	[]	[]	[]
Mikel Lawandy	[]	[]	[]	[]	[X]	[]
James Davis, Mayor	[]	[]	[]	[]	[X]	[]
Ramon Veloz	[X]	[]	[]	[]	[]	[]
(Mayoral Designee)						

On motion by Chairperson Fiermonte, seconded by Commissioner Valado, the Board unanimously voted to close the meeting. The meeting adjourned at 10:00 pm.

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

/akl