



**PLANNING BOARD
CITY OF BAYONNE
MINUTES OF MEETING
APRIL 9, 2024**

A regular meeting of the City of Bayonne Planning Board was held on Tuesday, April 9, 2024, in the Dorothy E. Harrington Municipal Council Chambers, 630 Avenue C, Bayonne, New Jersey.

Chairperson Fiermonte called the meeting to order at 6:06 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.

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

Also present were Richard N. Campisano, Esq., Board Counsel, Robert J. Russo, PE, City Engineer, Andrew Raichle, PE, City Engineer, Brian 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 Maiorano made a motion to adopt the minutes of the special meetings held on March 12, 2024. Commissioner Booker seconded the motion. A unanimous vote of eligible members followed.

Item V. - Communications:

- Municipal Council resolution authorizing and directing the Planning Board to prepare a Redevelopment Plan for certain properties identified as 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. (*former Fryczynski Funeral Parlor*) (**P-23-012**)

Item VI. – Information Session

Presentation of nine (9) Planning and Development Regulations amendments to the City of Bayonne Ordinance, Chapter 33 Planning and Development Regulations and Chapter 35 Zoning Regulations by Joseph D. Skillender, Esq., Director of Planning, Zoning, and Development. Copy of Power Point Presentation attached hereto.

Item VII. – P-24-001 (h) Planning and Development Regulations Amendment

Presentation of Planning and Development Regulations amendments to the City of Bayonne Ordinance, Chapter 33 Planning and Development Regulations: Sections 33-2.2 (update/addition of definitions); Addition of ARTICLE XXII: 33-21. UNLAWFUL RESIDENTIAL OCCUPANCIES: Section 33-21.1. Purpose and Intent; Section 33-21.2. Prohibited Acts; Section 33-21.3. Definitions as well as Chapter 35 Zoning Regulations: Section 35-4.30 UNLAWFUL RESIDENTIAL OCCUPANCIES, 35-4.31 Prohibited Acts., 35-4.32 Definitions.

Board questions:

Commissioners Maiorano and Booker questioned Director Skillender.

Resident questions:

There were no questions from the general public.

Statements:

There were no statements from the audience.

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

The following vote to approve the amendment to Chapter 33 and Chapter of the City of Bayonne Ordinances was taken at the hearing on April 9, 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 (Mayoral Designee)	[]	[]	[]	[]	[X]	[]

Item VIII. - Public Hearing:

P-24-006 - Presentation of a Non-Condensation Area in Need of Redevelopment Study/Investigation for property located at 102 ½ - 116 Avenue E; Block 467, Lots 10 – 14 to determine whether said property constitutes a non-condemnation area in need of redevelopment, pursuant to the LRHL, N.J.S.A. 40A:12A-1 et seq.

Mr. Campisano advised that this matter is withdrawn and be heard at a subsequent meeting.

****A short break was taken at 6:30. Mr. Campisano took a roll call and the meeting reconvened at 6:42 pm.****

Item IX. - Public Hearing:

P-23-031 - BAYONNE BAY DEVELOPERS URBAN RENEWAL, LLC – Site: Peninsula at Bayonne Harbor; Block 820, Lot 1 (Phase 3) *[The applicant is seeking preliminary and final major site plan approval for Phase 3 of this project which entails seventy-eight (78) units in three (3) buildings; requesting variance relief for pervious coverage and a de minimis exception to the RSIS requirement of maximum length of multifamily courts for Court B only.]*

Steven Tripp, Esq., attorney for the applicant, offered his exhibits into evidence and called his first witness. He discussed the phases and occupancy of Phases I and II of the project.

Witness #1:

Craig Hermann, a Civil Engineer licensed in the State of New Jersey, was accepted as an expert witness and sworn in. He requested the Board accept additional Exhibit A-23 which is a color aerial of the site in its existing condition. Mr. Hermann discussed the three phases of the project. He stated the Bayonne Bay West Redevelopment Plan and an application for a General Development Plan were previously approved and support this current application. Phase III of what they recognize as the B12 lot is proposed to have three buildings; designated as Buildings 23, 24, and 25, having a total of seventy-eight (78) units. Mr. Hermann requested the Board accept additional Exhibits A-24 Color Site Plan and A-25 Colored Dimension Plan. He discussed access to the site, parking, and placement of refuse. Mr. Hermann advised that each of the buildings will have a garbage tote and will be collected off of the courts. He explained stormwater management requirements and lighting. Mr. Hermann explained that the proposal is compliant with the Redevelopment Plan except for the percentage of pervious coverage. He advised that this is due to their need to create sloped sidewalks, longer court areas and other requirements and opines that this increase is not an overall detriment to the project.

Board questions:

Mr. Slaugh questioned Mr. Hermann. Mr. Campisano questioned Mr. Hermann if trash would be handled by a private hauler and Mr. Hermann advised that it would be handled by a private hauler. Ms. Mack and Mr. Raichle questioned Mr. Hermann.

Resident questions:

There were no questions from the audience.

Board/Resident Statements:

There were no statements from the Board or audience.

Commissioner Booker 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 April 9, 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 (Mayoral Designee)	[]	[]	[]	[]	[X]	[]

****A short break was taken at 7:26. Mr. Campisano took a roll call and the meeting reconvened at 8:01 pm.****

Item XII: - Adoption of Resolutions:

- **P-23-027 – THE GAMAL GROUP CORPORATION – Site: 35 Avenue A; Block 361, Lot 12; Block 362, Lot 3**

Anne Marie Rizzuto, Esq., representing The Gamal Group, advised that the applicant has worked out their differences with the nearby applicant, Togus (a.k.a. 1888 Studios, LLC). She

advised that the previous Memorandum of Understanding exhibits will be supplemented with two new exhibits: MOU-2 and MOU-4, presented to Ms. Losonczy this evening; both of which are initialed and dated by Ms. Rizzuto and Mr. Vitolo.

Frank Vitolo, Esq. introduced himself as the representative of 1888 Studios, LLC and advised that the two exhibits MOU-2 and MOU-4 are supplements to the Memorandum of Understanding, replacing the former exhibits. He advised that this is acceptable, however, if any changes are made, then the applicant would need to return to the Board.

Ms. Rizzuto advised that she is not in agreement with that statement.

Mr. Campisano advised that if the application changes, the law dictates that the application would need to return to the Board.

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

Item X. - Public Hearing:

P-23-032 – 309 BROADWAY REALTY, LLC – Site: 309-311 Broadway; Block 257, Lot 12 *[The applicant is seeking preliminary and final major site plan approval to construct a five-story building with eight residential units; variance relief is being sought for side yard setback, rear yard setback and oversized curb cut.]*

Paul N. Weeks, Esq., attorney for the applicant, offered his exhibits into evidence and called his first witness.

Witness #1:

Al Sambade, an Engineer licensed in the State of New Jersey, was accepted as an expert witness and sworn in. He testified to the details of this project located in the 8th Street Rehabilitation Plan. He discussed the overall project for this five-story building including the parking and circulation plan. He entered additional Exhibit A-23 Color Rendering which shows the proposed coloring. He advised there is currently no signage proposed at this time. Mr. Sambade

discussed landscaping, stormwater management system, and the automated parking system. He explained the surrounding development in the area and approvals that have not yet commenced building. He reviewed and addressed the items noted on the professionals' reports. Mr. Sambade opined that this plan complies with the Rehabilitation Plan minus a few variances and design waivers and opined that the project promotes the objectives of the purposes of zoning, promotes the general welfare and the Master Plan. He feels the development is consistent with the development present in the area and removes an unsightly vacant lot creating more benefits for the community.

Board questions:

Mr. Slaugh and Mr. Russo questioned and made comments to Mr. Sambade.

Resident questions:

There were no questions from the audience.

Board/Resident Statements:

There were no statements from the Board or audience.

Commissioner Valado made a motion to Approve the Application and Chairperson Fiermonte seconded the motion with the condition that the curb cut will be reduced to sixteen (16) feet.

The following vote to approve the Application was taken at the hearing on April 9, 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. - Public Hearing:

P-23-030 – ZARA REALTY, LLC (MOHAMMAD CHAUDHRY) – Site: 7 West 8th Street; Block 283, Lot 23.01 *[The applicant is seeking preliminary and final major site plan approval to allow the construction of three additional stories to the existing two-story building, creating four new residential dwelling units; variance relief is being sought for parking and rear yard setback.]*

Paul N. Weeks, Esq., the attorney for the applicant, offered his exhibits into evidence and called his first witness.

Witness #1:

Steven Kawalek, an Architect licensed in the State of New Jersey, was accepted as an expert witness and sworn in. He testified to the nature of the application, the irregular lot size and described the proposed plan. Mr. Kawalek explained that this property is located in the 8th Street Rehabilitation Area and that the applicant proposes three additional stories to the existing two-story building. He testified that the use is permitted but variance relief is being sought. Mr. Kawalek advised that there is no signage proposed currently but any tenant would need to apply for a sign permit. He does not feel this project creates a substantial detriment to the public good and believes this application should be approved.

Board questions:

Mr. Slaugh and Mr. Russo made comment to Mr. Kawalek.

Resident questions:

There were no questions from the general public.

Board/Resident Statements:

Chairperson Fiermonte is happy to hear this area is going to have an updated design that will stand out and feels the elevator will be a bonus to this unique space. Vice-Chairperson Valado

asked if it was possible to have someone assigned to taking out the trash and that it is kept organized and tidy.

Commissioner Booker made a motion to Approve the Application and Vice-Chairperson Valado seconded the motion.

The following vote to approve the Application was taken at the hearing on April 9, 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 (Mayoral Designee)	[]	[]	[]	[]	[X]	[]

Item XII: - Adoption of Resolutions:

- **P-24-002 – BAYONNE ENERGY CENTER URBAN RENEWAL III, LLC – Site: Hook Road; Block 419, Lot 1; Block 482, Lot 9.02**

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

The following vote to Memorialize the Resolution was taken at the hearing on April 9, 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 (Mayoral Designee)	[]	[]	[]	[]	[X]	[]

P-24-008 – BAYVIEW JV, LLC c/o LARKEN ASSOCIATES – Site: Avenue A and Newark Bay; Block 301.03, Lot 1.02, 2 and 3 (*minor subdivision*)

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

The following vote to Memorialize the Resolution was taken at the hearing on April 9, 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 (Mayoral Designee)	[]	[]	[]	[]	[X]	[]

- **P-24-001(h) – Resolution adopting Ordinance Update (h) Article XXII Unlawful Residential Occupancies**

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

The following vote to Memorialize the Resolution was taken at the hearing on April 9, 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 (Mayoral Designee)	[]	[]	[]	[]	[X]	[]

On motion by Commissioner Valado, seconded by Chairperson Fiermonte, the Board unanimously voted to close the meeting. The meeting adjourned at 9:00 pm.

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

/akl