

June 28, 2022

City of Bayonne Planning and Zoning Division
630 Avenue C
Bayonne, New Jersey 07002

Attn: Alicia K. Losonczy, Planning / Zoning Board of Adjustment Administrator

RE: First Engineering Review : P-22-016
Amended Final Major Site Plan Application (Amendment of Resolution of Approval P-21-003)
Owner/Applicant: South Cove Redevelopment IV Urban Renewal, LLC
Block 412, Lot 2.03 (191 LeFante Way)
City Of Bayonne, Hudson County, New Jersey

Dear Ms. Losonczy:

The above-referenced Applicant is seeking an amendment to the Final Site Plan Approval authorized pursuant to Board Resolution of Approval P-21-003 (the "Prior Approval"). The Prior Approval authorized a renovation and expansion of an existing theater building on the above-referenced parcel. The authorized renovations, which were to occur entirely within the building envelope, would result in total gross floor area of 44,752 SF. This amendment application (P-22-0160) proposes to modify the Prior Approval with a new renovation and expansion plan for the theater building that would increase the size of the building by 31,921 SF, yielding a total gross floor area of 76,673 SF. The increased floor area would be achieved by expanding the 2nd floor and building a new 3rd floor.

The following plans have been submitted in support of the application:

1. Topographic Survey of Block 412 Lots 1.01, 2.01, 2.021, 2.022 and 2.03, prepared by Faraldi Group Inc., dated March 19, 2020
2. Amended Final Site Plans as prepared by SR3 Engineers, dated June 2, 2022
3. *Revised Sheet 2 of the above-referenced Amended Final Site Plans dated June 27, 2022*
4. Architectural Plans prepared by Architrave Group PC, dated April 26, 2022

Item 3 above was submitted to my attention on June 27th to address parking compliance and will be submitted into evidence by the Applicant at the June 29th hearing.

My observations and recommendations concerning the application are as follows.

ZONING & BULK STANDARDS COMPLIANCE

The proposed development is regulated by the Riverwalk at South Cove Redevelopment Plan, last amended November 3, 2018. The proposed renovated building would be occupied by retail and commercial tenants, including professional and medical offices and its customary accessory uses. These uses comply with the Redevelopment Plan.

Compliance with Bulk Standards is itemized on the Revised Sheet 2 drawing noted above. Because the proposed development would not modify the footprint of the Prior Approval, the only standards that are implicated are height and parking spaces.

Height

The proposed building height would be increased to a total of 57.4 ft. The allowable building height is 180 ft. Therefore, the proposed amendment complies.

Parking Space Quantity

At my request, the Applicant has revised the bulk standards compliance table (see revised Sheet 2 of the Site Plans) to consider the entirety of the Redevelopment Area's parking compliance in a manner that is consistent with that contemplated in the Redevelopment Plan. This is a prudent methodology, considering the nature of the existing shopping center's parking arrangements, which are accommodated in a single, open format parking area that is accessible to all of the Redevelopment Area's buildings and enterprises.

The Redevelopment Plan also authorizes the application of a shared parking reduction of 35%, subject to Board review and approval, for two or more complementary uses that can be reasonably anticipated to not substantially overlap parking demand based upon the time of day. The Applicant shall provide testimony attesting to the satisfaction of this condition. Based upon my understanding of the proposed uses, informal observations of typical parking conditions at the Site, and the *de minimis* nature of the proposed gross floor area increase relative to the overall site, I am of the opinion that application of the parking reduction allowance is justified. This opinion is based solely upon the circumstances of this amendment application and shall not be relied upon for future, more substantive, site plan applications on the property.

Based upon an application of the allowable parking reduction of 35%, and considering the proposed theater building amendment, the site wide parking requirement is 691 spaces. 1042 spaces presently exist on the overall site. Therefore, the proposed amendment complies.

DESIGN STANDARDS

The nature of the proposed amendment scope is principally limited to the building envelope. No substantive modifications to the previously approved site work are necessary to accommodate the proposed amendment. Considering this circumstance, I have not re-considered the Board's prior compliance determination for the site plan improvements (e.g., landscaping, sidewalks, loading areas, utilities, etc.), except for the items identified below.

Building Design

The Applicant shall provide testimony concerning the building design's compliance with the Redevelopment Plan's architectural and sustainable design standards.

Building Signage

The Applicant has not proposed any building signage. Therefore, any future proposed signage will require a City Sign Permit and must be in full compliance with the Redevelopment Plan's design standards.

Refuse

The Applicant shall provide testimony concerning the storage, collection and hauling of refuse. All proposed refuse storage areas shall be screened in a manner acceptable to the Board, and use of private refuse haulers is encouraged.

Loading Areas

The additional gross floor area proposed in the amendment request increases the Redevelopment Plans' required number of loading areas from 2 to 3. The Applicant shall provide testimony regarding the necessity for 2 or 3 loading areas and request a design waiver if only 2 loading areas will continue to be proposed.

Electric Vehicle (EV) Parking Spaces

The Board is required to enforce State requirements for inclusion of EV parking spaces when it considers Preliminary Site Plan Approval for new development. This requirement did not exist when the Prior Approval was granted (2021). However, it is reasonable to conclude that the State requirement would apply to the portion of "new" gross floor proposed in an amendment of a Site Plan Approval. Based upon this conclusion, I recommend that the Applicant be required to provide EV, or "EV-Ready" spaces in accordance with State Law according to the following calculation:

- New gross floor area associated with proposed amendment = 31,921 SF
- Redevelopment Plan commercial use parking requirement = 1 space / 250 SF
- Required parking spaces without shared parking reduction = 128 spaces
- Required parking spaces with 35% shared parking reduction = 84 spaces

State law requires that a minimum of 4 EV-Ready spaces be provided when 101 to 150 new off-street parking spaces are required, and that a minimum of 3 EV-Ready spaces be provided when 76 to 100 new off-street parking spaces are required.

I recommend that the Applicant be required to provide 4 EV-Ready spaces and be encouraged to provide as many as feasible to accommodate a clearly growing demand for the service.

It is recognized that this conclusion is inconsistent with the recommendation of the Consulting Board Planner, who based EV space requirements upon the entirety of the existing South Cove development's parking spaces (1,042). I am of the opinion that the State law requirements are only

applicable to new development, and that they are not intended to be applied retroactively to development that has been previously authorized.

Bicycle Spaces

Consistent with the methodology described above and the Redevelopment Plan's requirement that one bicycle storage space be provided for every 50 vehicle spaces, I recommend that a minimum of 3 bicycle spaces be required in addition to any bicycle space requirements that were mandated by prior approvals. Provision of additional spaces, beyond the minimum required, is encouraged.

Utilities

The Applicant's Engineer shall provide testimony concerning the ability of the previously approved utility services to adequately serve the proposed increase in gross floor area.

RECOMMENDATIONS FOR CONDITIONS OF APPROVAL

Should the Board consider granting of approval, I recommend the following conditions in addition to preserving all conditions of approval associated with prior approvals.

1. Satisfaction of all testimony, additional information, and plan revisions recommended herein.
2. Approval of the City of Bayonne Fire Official.
3. Posting of Performance Guarantees and Inspection Fees in the amount determined by the City Engineer.
4. Coordination with Bayonne Police Department's Traffic Control Unit and submittal of Maintenance and Protection of Traffic Plans for any proposed road closures or temporary traffic modifications.
5. All other Federal, State and Local approvals as may be required.
6. In the event that plans are modified to accommodate other regulatory authorities' requirements, the Applicant shall submit revised plans and reports reflecting those changes. The Board and its professionals will decide how any changes will be reviewed and approval will be processed (e.g., administrative modification or formal site plan modification), which shall be a condition of resolution compliance.

Thank you for your attention in this matter.

Very truly yours,

MATRIX NEW WORLD ENGINEERING

Andrew Raichle, PE
Vice President