

**COMPLIANCE REVIEW - ENGINEERING
PROPOSED MODIFICATION OF
PRELIMINARY & FINAL MAJOR SITE PLAN APPROVAL
APPLICANT : MAHALAXMI FLAGSHIP URBAN RENEWAL, LLC
PORTION OF BLOCK 751, LOT 1 & PORTION OF BLOCK 790, LOT 1
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY**

MATRIX **NEW** **WORLD**
Engineering Progress

Prepared by:
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MATRIX JOB NO. 13-454



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INTRODUCTION

Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. (Matrix) has performed a review of the Applicant's request to modify the Preliminary and Final Site Plan Approval issued by the City of Bayonne Planning Board (the "Board") pursuant to its August 18, 2017 resolution of approval (P-17-013).

The previously approved project (marketed as the "The Waterview"), which was completed in 2020, principally consists of a 5-story building and associated site improvements (surface parking, patios, etc.). The approved plan consisted of 97 residential units and 5,907 square feet (sf) of retail space. The governing redevelopment plan required a total of 125 parking spaces to satisfy these uses, and the Applicant provided 127 parking spaces (all surface parking and without the use of "shared parking").

The Applicant's Narrative Statement for the Application seeks to increase the amount of ground floor space devoted to retail. Specifically, to *"modify the layout of the ground floor to accommodate the fit-out of several proposed retail uses, including 1,460 square feet for retail, space for a 6,180 square foot daycare facility and a total of 5,419 square feet of restaurant space."* However, upon review of the Application, my office has become aware that the Applicant's understanding of their previously approved architectural plans is erroneous. Specifically, the Board-approved plans are inconsistent with those that were submitted to the Building Department for approval and ultimately constructed.

The net effect of the Applicant's error is that constructed building contains a different mix of residential units than what was approved, and the number of units on specific floors is also different. The Applicant reports (verbal communication) that the number of units remains the same as approved and that all units are larger than the minimum size required by the Redevelopment Plan. With regard to the ground floor, the number of units proposed in the amendment has decreased from nine to one, and the space devoted to retail has increased proportionately.

Based upon the circumstances described above, the Applicant's requested amendment must not only seek approval of the increased retail space on the ground floor, but seek approval for the modification of the mix and location of units within the building. My office does not have adequate materials to review these modifications, as we (and the Board) are not in receipt of architectural drawings that reflect the as-built conditions. Considering this deficiency of required information, this review letter focuses solely upon the proposed amendments to the ground floor.

APPLICATION DOCUMENTS

The application package reviewed by Matrix includes the following:

1. City of Bayonne Preliminary and Final Site Plan Application Forms and supporting documents
2. City of Bayonne Development Application Checklist and supporting documents
3. Statement of Applicant

4. Traffic Evaluation entitled, *“Traffic Engineering Evaluation Update and Shared Parking Calculations, Waterview, Lot 1.04, City of Bayonne, Hudson County.”* Prepared by Klein Consulting, LLC and dated March 18, 2021.
5. Plans entitled, *“Amended Final Major Site Plan; The Waterview; Block 751, Lot 1.03; City of Bayonne, Hudson County, New Jersey,”* prepared by Insite Engineering, LLC and dated March 18, 2021.

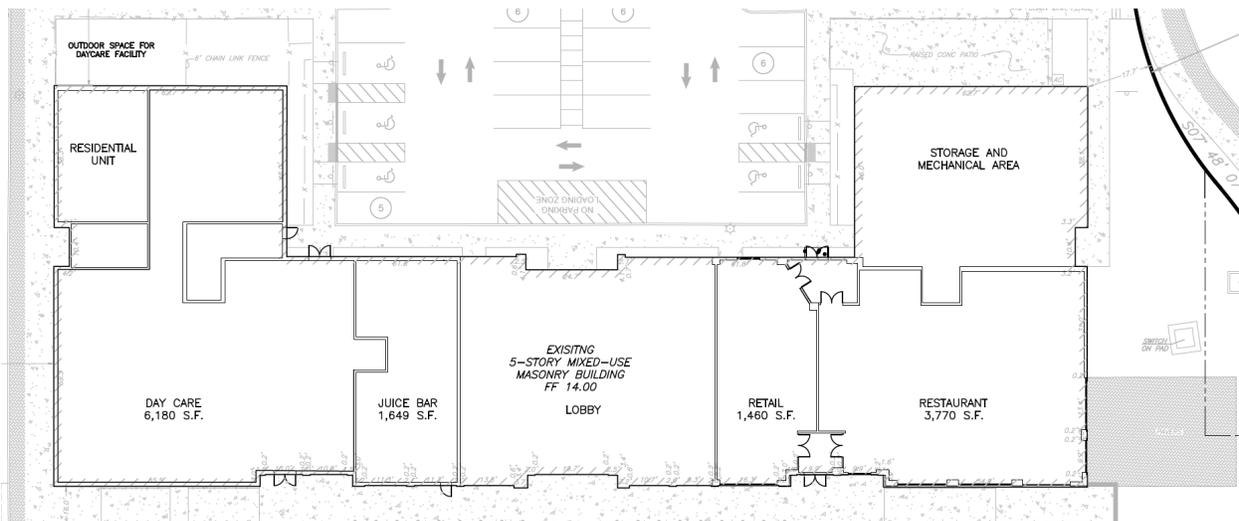
The proposed changes are subject to the Harbor Station South Redevelopment Plan, last revised December 2015.

PROPOSED GROUND FLOOR AMENDMENT

The proposed ground floor would consist of the following:

- One residential unit = ~850 s.f.
- Day care facility = 6,180 s.f.
- Retail = 1,460 s.f.
- Restaurant/Juice Bar = 5,419 s.f.
- Building facilities (lobby, hallways, storage and mechanical areas) = balance of ground floor

Matrix’s understanding of the proposed changes to the ground floor are as follows. Note, however, that these interpretations are based upon the limited ground floor layout information shown on the submitted Site Plan (see image below).



The net effect of this proposed ground floor layout, compared to the previously approved ground floor, is as follows:

- Reduction in number of residential units from nine to one (remaining unit at the northwest corner of the building remains unchanged). Total unit count for entire building is reportedly the same (97) with overall decrease in unit size.

- Increase in size of building devoted to non-residential use (retail/restaurant/day care) increased from to 5,907 sf to 13,059 s.f.
- Reduction in storage / mechanical area.

ENGINEERING EVALUATION OF PROPOSED AMENDMENT

The proposed ground floor changes are regulated under the following provisions of the governing Redevelopment Plan:

Bulk Standards

The proposed amendment does not implicate any of the bulk standards, as no changes are proposed outside of the building footprint. The amended plan remains compliant.

Unit Size

The Applicant has represented (verbal communication) that the size of the proposed units remains compliant with the Redevelopment Plan's minimum size of 600 s.f. The Applicant should provide evidence of these conditions, via an Architectural Plan and shall confirm that no reduction in amenity space (gym, bike storage, etc.) has occurred as a result of these changes.

Parking/Loading

As noted above, the number of proposed residential units remains the same as the prior approval. However, the proposed non-residential space would increase by 7,152 sf for a total of 13,059 sf. The Redevelopment Plan requires 3 spaces per 1,000 s.f. of non-residential space; therefore, the total number of spaces required for non-residential use is 39.¹

The Redevelopment Plan requires 1.1 spaces per residential unit. Therefore, the required number of spaces for the 97 residential units is 107 spaces.

The total amount of requires parking spaces to satisfy the amendment is 146.

The Applicant is proposing to satisfy the required parking by providing the same 127 spaces that were approved in the original submittal (and are already constructed), but is requesting that the Board approve use of the Redevelopment Plan's shared parking provision (cited below).

A parking space may be counted towards the parking requirement for two or more complementary uses, provided that:

1. *The Redeveloper demonstrates to the satisfaction of the Planning Board that the peak parking demand by each use shall not substantially overlap based on time of day*

¹ The total proposed non-residential space is 13,059 sf. Matrix has ignored the 59 sf that exists over the 13,000-sf threshold.

2. *No more than fifty per zone (50%) of the total required parking spaces calculated separately by use shall be shared spaces.*
3. *In the absence of extenuating circumstances, office and residential uses shall be deemed non-overlapping uses.*

The minimum number of parking spaces for multiple-use non-simultaneous contiguous developments where shared parking strategies are proposed shall be determined by the most recent shared parking methodology of the Urban Land Institute (ULI), Victoria Transport Policy Institute (VTPI) or Institute of Transportation Engineers (ITE). Provision of car sharing services, such as Zipcar, may also be accepted, at the Planning Board's discretion, as a contributing means to reduce the total parking supply.

The Applicant has provided a professional report (Klein Consultants, LLC) that demonstrates describes a shared parking analysis conducted in accordance with the Redevelopment Plan. The report concludes that the proposed 127 spaces exceeds the parking demand for the amended Site Plan, provided the shared parking allowed by the Redevelopment Plan is authorized by the Board. The consultant's report specifies that the peak demand for parking at the facility will be 107 spaces between midnight and 6 am (127 spaces are provided), and relies heavily upon an assumption that 50% of cars will vacate the premises during the day-time hours and that those spaces would be available for the non-retail uses. The consultant proposes that none of the proposed spaces be dedicated to a particular use (residential or non-residential).

Matrix concludes that the shared parking provision is applicable to the proposed amendment. However, we recommend that the Board request testimony from the traffic/parking expert to clarify their conclusions. In particular, the expert's report does not appear to account for the case when the evening operation of the retail and restaurant uses. The anticipated success of the proposed restaurant would likely involve evening operation, which would occur when residents have returned home and are utilizing their parking spaces. The expert should also provide testimony concerning the likelihood that childcare dropoff activities will likely occur prior to the exit of many of the daytime residents from their parking spaces.

Parking for all of the non-residential uses is provided in the on-site parking lot at the rear of the building. All of the non-residential uses have entrances at the front of the building. The Applicant shall clarify whether non-residential patrons will be permitted to pass through the lobby to access the non-retail uses and whether wayfinding signage will be provided for pedestrians.

The proposed day care facility is a loading-intensive use. The Applicant shall provide testimony concerning the existing parking facility's capacity to accommodate the day care facility's loading demands.

The Applicant shall not dedicate any parking to any one use. The parking spaces are presently numbered and/or reserved for particular uses. All parking designations, except those required for ADA accessibility and loading shall be removed.

Traffic

The traffic/parking expert's report concludes that the proposed increase in non-residential use would result in the following, when applying to updated (2019) NJDOT guidance:

- AM Peak Hour – Decrease of 48 trips
- PM Peak Hour – Increase of 7 trips
- Saturday Peak Hour – Increase of 46 trips

Matrix agrees with the expert's conclusions that these values do not represent a substantial change from the previously approved plan's trip-generation; however, we require more clarification from the expert. Specifically, the Board should request testimony from the expert to explain why trips would decrease in the AM Peak Hour, but the number of units remains the same and the non-retail space increased.

Outdoor Cafe

The proposed retail outdoor patio is connected to the restaurant. Applicant shall provide testimony concerning the use of this area and its compliance with Section 2.4.8 of the Redevelopment Plan. Specifically, the requirement to provide delineation of the patio by planters and/or metal fencing with no more than two entrances to the café's seating area. The Applicant shall also confirm that the proposed use and/or development does not conflict with the overlapping sanitary sewer easement shown on the plan. The Applicant shall also confirm if any outdoor seating is proposed on the elevated sidewalk fronting the building.

Outdoor Play Area

The Applicant shall provide additional information concerning the outdoor play area, including details of the proposed surface, equipment (if any) and fencing. Applicant shall provide bollards sufficient to protect outdoor play area from vehicles and shall comply with any other standards applicable to play areas and daycare facilities.

Signs/Awnings

The Applicant has not proposed any signage or awnings in the amendment application. Therefore, no signage or awnings shall be approved and any future proposed signage and/or awnings will be required to be approved through a zoning department permit, with no deviation from the standards contained in the Redevelopment Plan.

Refuse

The Applicant shall provide testimony regarding refuse handling. There is presently no outside refuse storage, and the increased non-residential uses will likely increase the amount of refuse generated by the building.

Water / Sewer

The proposed building use modifications will affect the calculated demands of the water/sewer system. Applicant shall prepare and resubmit modified calculations to the City Engineer and Suez to determine the adequacy of the existing system and shall be responsible for any additional fees necessitated by the change of demand.

Affordable Housing Fees

The Applicant shall be responsible for any affordable housing fees necessitated by City ordinance and/or Redevelopment Agreement, including potential increases in fees necessitated by the increased size of non-residential uses.

TESTIMONY / DISCUSSION TOPICS

The Applicant shall provide testimony concerning all comments referenced above. This may be covered by a blanket statement that the Applicant accepts the comments of the Engineer and Planner or may be addressed on an item-by-item basis. The Applicant shall provide specific testimony concerning the circumstances regarding the discrepancy between the Board's previously approved architectural plan (floor layouts, unit locations and size, etc.) and the plan that has been presented in this amendment application. This office has only noted changes that can be ascertained from the proposed ground floor modifications. The Applicant shall provide a full accounting of changes from the approved plan (including any interior or exterior architectural elements) and shall seek approval for those changes by way of a specific request from the Board.

RECOMMENDATIONS FOR CONDITIONS OF APPROVAL (IF GRANTED)

Should the Board grant approval of the amendment request, Matrix recommends the following conditions of final approval. Evidence of compliance shall be provided by the Applicant to the City Engineer.

1. Satisfaction of all testimony, additional information, and plan revisions recommended herein.
2. Submittal of Architectural Drawings.
3. Approval of the City of Bayonne Fire Official.
4. Approval by all federal, state, and local entities having jurisdiction over the proposed redevelopment.
5. Posting of Performance Guarantees and Inspection Fees in the amount determined by the City Engineer and in compliance with applicable City ordinances.
6. Review and approval of the sanitary sewer and potable water utilities by the City Engineer and Suez.
7. Application to the City of Bayonne for Title 39 Enforcement of traffic and parking violations on Applicant's property (if necessary).