

WAIVER REQUEST & FAR CLARIFICATION STATEMENT

A-15

Applicant: 745-747 Broadway LLC

Property: 745-747 Broadway, Block 139, Lots 18 & 19, Bayonne, NJ

745-747 Broadway LLC (the "Applicant") is the owner of the property located at 745-747 Broadway, which is designated as Block 139, Lots 18 & 19 on the City of Bayonne (the "City") Tax Duplicate (the "Property"). The Property is located in the City's Central Business Zone District (the "CBD Zone"), which permits multi-family dwellings.

On May 16, the Applicant received a Certificate of Completeness Review (the "Completeness Review"), which deemed the Application incomplete. The Completeness Review requested, among other things, that the Applicant: (i) clarify the need for (D) variance related to stories; (ii) provide an order from the Administrative Officer; and (iii) provide details to support the Floor Area Ratio ("FAR") bonus density requirement pursuant to City Ordinances.

Additionally, the Applicant received a Technical Review Committee ("TRC") Memorandum on June 20, 2023 (the "TRC Memo"), which stated in part: (i) that under longstanding City policy, the height of a building in stories is interpreted as requiring a "c" bulk variance pursuant to N.J.S.A. 40:55D-70(c), which clarifies the aforementioned Completeness Review request for same; and (ii) reiterated the Completeness Review's request for clarification regarding the Applicant's compliance with the City's FAR bonus density requirement.

By way of this submission, the Applicant seeks a waiver of the order from the Administrative Officer, as the Municipal Land Use Law permits direct application to this Board, and such other approvals, variances, waivers and design exceptions are indicated in the proposal.

City Ord. §35-5.10(e)(8) established a maximum FAR of 4.0 for properties in the CBD Zone. However, Ord. §35.5-10(e)(9) establishes a maximum FAR of 4.5 for properties in the CBD Zone when utilizing bonus densities. Ord. §35-5.10(f)(1) establishes the FAR bonus densities for the following uses/facility improvements: (i) streetscape design improvement – bonus ratio of 1:10, FAR cap of 0.25; and (ii) plaza improvement – bonus ratio of 1:8, FAR cap of 0.50. Ord. §35-5.10(f)(1) also establishes that all FAR bonus densities cannot exceed 0.50 in any combination for any one development application. As indicated on the Applicant's Architectural Plans, the Applicant is proposing both streetscape design and plaza improvements, and can therefore receive up to a 0.50 FAR density bonus.

Ord. §33-2.2 defines FAR as "the sum of the floor area of all floors of buildings or structures compared to the total area of the site." As indicated on page 1 of the Applicant's Architectural Plans, the proposed building's total floor area of all floors of buildings and structures is 26,468 square feet. The Property's total site area is 5,884.49 square feet. Applying the aforementioned FAR calculation yields a FAR of 4.5 for the Property ($26,468/5,884.49=4.4979$). As previously mentioned, the Applicant is eligible for up to a 0.50 FAR density bonus. Accordingly, the Applicant therefore meets the CBD Zone's maximum FAR requirement due to the aforementioned streetscape design and plaza improvements, without exceeding the 0.50 FAR density bonus maximum.

Expert testimony will also be provided at the hearing to further support the approvals and relief requested above.