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MEMO TO: City of Bayonne Planning Board

FROM: Malvika Apte, PP/AICP
Consulting City Planner *MA*

DATE: August 5, 2022

RE: Atlantic Cement Realty, LLC
Preliminary Major Site Plan (Phases I & II)
Final Major Site Plan (Phase I Only)
Bulk and Supplementary Zoning Variances
Planning Report # 1
Block 481 Lots 5.02 and 5.04
6 Commerce Street
Bayonne, New Jersey
Our File: PBYP0481.03
Application # P-21-027

As per your request, we have reviewed the aforementioned referenced application:

1. Application Form; Statement of Application;
2. One (1) sheet of "Boundary, Topographic & Utility Survey," prepared by Insite Surveying, LLC dated October 19, 2021;
3. Fourteen (14) sheets of site plans, entitled "Atlantic Cement Atlantic Cement Realty, LLC Situated in: City of Bayonne, Hudson County, New Jersey", prepared by SR3 Engineers, dated November 10, 2021;
4. Five (5) sheets of architectural plans for project "Atlantic Cement Block 481 Lot 5.02 9 Hook Road Bayonne, NJ 07002", prepared by Pratt Design Studio, LLC, dated June 13, 2021.

We offer the following comments for the Board's consideration:

1. Summary of Application

The applicant, Atlantic Cement Realty, LLC is seeking preliminary major site plan approval for Phases I and II of the proposed project along bulk and supplementary zoning variances. Applicant is also seeking final major site plan approval for Phase I of the project. The subject properties are Lots 5.02 and 5.04 in Block 481 on the City Tax Maps. The properties are currently developed with a truck and marine cement terminal, including a set of eight (8) silos connected to a conveyor and steel walkway



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over the water of Kill Van Kull to a tower and moorings in the water. The development includes an office and boat ramp. **The plans also indicate that most of the Commerce Street right-of-way has been or will be vacated. This shall be clarified during the hearing; has this been done, and what is the proposal for this section of the vacated ROW, if it is to be vacated? Other documents submitted for this application (including the Application Form itself) do not indicate anything about this ROW being vacated or any development associated with the vacation.**

The proposed project is split into two phases. In Phase I, Applicant proposes to remove the existing office structure and construct a two-story building of 55 feet tall. All other site improvements are proposed to remain during Phase I. The first floor is proposed to include a 1,538 square foot office and 8,478 square feet of warehouse. **Applicant shall provide testimony on the operations of the warehouse, including what is to be stored in it, how many deliveries/pick-ups are expected, and hours of operation.** The second floor will include a 3,000 square foot gallery. **Applicant shall clarify the use of the gallery.** Phase I will also include the construction of parking areas with a total of 29 stalls, a trash enclosure, a monument sign, a truck scale, and additional mooring devices. Additional detail on these mooring devices should be discussed: the site plans note the design of these is "by others." What is the need for these mooring devices?

Phase II will involve the construction of a 185-foot tall silo structure with a maximum width of 125 feet just west of the existing silos on the property. Applicant should confirm if the proposed silos are relocated silos from phase I. Additionally applicant should clarify what type of storage is proposed in the silos, when is the Phase II anticipated and any other additional details.

2. **Use, Bulk, and Supplemental Variances:**

- (a) **Use:** The subject property is regulated by the Atlantic Cement Site Redevelopment Plan, which supersedes any previous redevelopment plans and the Bayonne Zoning Ordinance Chapter 35. Per the Redevelopment Plan, the proposed uses are permitted.
- (b) **Bulk Standards:** The following table notes the existing and proposed development's compliance/non-compliance with the bulk requirements of the Atlantic Cement Site Redevelopment Plan. **The table demonstrates that the proposed development complies with the Redevelopment Plan standards.**

Bulk Standards: Atlantic Cement Site Redevelopment Plan			
Bulk Standard	Requirement	Existing	Proposed
Min. Tract Area (acre)	3	5.92	5.92



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		(2.75 on land)	(2.75 on land)
Maximum Building Height (ft.) <i>For silos, storage tanks, water towers, chimneys, smokestacks, transmitting towers, masts and aerials, communication towers and antennae, green infrastructure, etc.</i>	200	155	Phase II Silo: 185
Maximum Building Height (ft.) <i>For all other building types</i>	90	30	54.2
Maximum Building Coverage	75%	Unknown	22.2%
Maximum Lot Coverage	90%	79.9%	86.8%
Minimum Building Setback (ft.) <i>From any lot line</i>	0	35	32.4
<i>V-variance - n/a not applicable</i>			

(c) Parking Regulations:

- i. The table below indicates the parking requirements for the proposed development. Applicant should supply further information about projected employment for the site to confirm that the calculation below is the greater of the two requirements for the office and gallery use (per employee or per square foot). Applicant shall also confirm operations of the existing (if it is to remain after Phase II) and proposed silos. Specifically, Applicant shall clarify if the silos will be “manned” or will be used exclusively for the storage of raw materials. **Using the square foot requirement, as shown below, the proposed parking complies.**

Use	Requirement	Proposed
Warehousing / Transload	1.0 spaces per 5,000 square feet 8,478 s.f. x 1.0 space/5,000 s.f. = 1.7 rounds up to 2 spaces	
Office & Gallery ("Any Other Use" per Redevelopment Plan)	1.0 space per 300 sq. ft. 4,538 sq. ft. x (1.0 space /300 sq. ft.) = 15.1 round up to 16	
TOTAL	18 spaces	29

(v)- variance

- ii. The Redevelopment Plan requires one electric vehicle space parking space for every 30 parking spaces proposed. As Applicant is providing 29 stalls, one (1) EV space is required. The EV space is provided near the warehouse/office building. **This complies. We note that**



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this also complies with the State-mandated ordinance for Make-Ready/EVSE spaces, which requires one (1) Make-Ready/EVSE space for a proposed parking lot with 50 or fewer spaces.

- iii. The Redevelopment Plan requires one bicycle parking space per 50 vehicle spaces, minimum. With 29 spaces proposed, Applicant is required to provide at least one (1) bicycle parking space. The site plans do not indicate any such space. Applicant must revise plans to provide bicycle parking.
- iv. The Redevelopment Plan requires two-way drive aisle widths to be 22 feet. There is a section of the drive aisle around the Phase 2 silo that is seventeen feet (17') wide. ***Applicant shall clarify if this is intended to be a one-way or a two-way drive aisle. If proposed as a two-way aisle, a variance is required.***
- v. The Redevelopment Plan permits a maximum of two (2) curb cuts, with each having a maximum permitted width of 30 feet (additional width is permitted at driveway opening to allow for safe turning movements). The site plan indicates that two curb cuts are provided; however, no curbing appears to be proposed along the southern end of Commerce Street. ***Applicant shall explain why no curbing is proposed; we defer to the Board Engineer for further comment.*** The curb cut at the driveway opening for the northern-most of the two provides 46 feet of curb cut. ***We defer to the Board Engineer to determine if safe truck turning movement requires the wider opening.***
- vi. ***Applicant shall provide testimony regarding the operations of the proposed gates.*** Will these be automatic gates, manned gates, or will they remain open during business hours and closed during off hours?
- vii. The warehouse/office building provides 13,016 square feet of gross floor area. The Redevelopment Plan requires one (1) loading space for between 4,000 and 25,000 square feet of gross floor area. Two loading spaces (an external loading dock and a drive-in door) are provided. This complies. The storage silos provide approximately 16,530 square feet of floor area, which requires one loading space. Two spaces on the truck scale are provided. This complies.
- viii. Loading spaces are required by the Redevelopment Plan to be 60 feet long by 10 feet wide with 14 feet of clearance. The external loading dock provides 54.8 feet loading ramp and 9.1 feet of loading area for a total of 64 feet. ***This complies.***
- ix. Applicant shall confirm what material will be used to pave the parking and loading areas. The Redevelopment Plan requires bituminous concrete, but other materials may be substituted subject to Board Engineer and Planning Board approval.



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3. Design and Additional Regulatory Standards:

- (a) Building Architectural Design: Applicant shall provide testimony regarding the architectural design of the building and how it meets the requirements of the Redevelopment Plan. Additional details should be provided, including the proposed colors the concrete wall panels are to be painted, and how often the paint will need to be reapplied to maintain the building façade in good condition.
- (b) Public Improvements: Per the Redevelopment Plan, the extent of the redeveloper's responsibility for on-site and off-site infrastructure improvements are subject to a Redeveloper's Agreement with the City of Bayonne. **Applicant shall confirm if an Agreement has been executed or not and shall provide a copy of any documents related to the Agreement to the Board's professionals.** Prior to issuance of the Certificate of Occupancy, the Applicant is required to complete all proposed/required public improvements within any roadway rights-of-way. **Applicant shall confirm they will comply with this requirement.**
- (c) Sidewalks: The Redevelopment Plan requires sidewalks of at least four foot (4') width along all street frontages. Applicant shall clarify the status of the Commerce Street right-of-way (if the ROW has been vacated or not). **If it has not, and there are no plans to vacate the ROW, a sidewalk is required along the frontage; otherwise, Applicant will require a design waiver.**
- (d) Remediation: The Redevelopment Plan states that the designated Redeveloper is responsible for environmental regulatory compliance. Applicant shall provide testimony regarding what steps, if any, they have taken or will take to meet NJDEP requirements for the site.
- (e) Lighting: The following is noted:
- i. The lighting plan is provided for the eastern two-thirds of the property, but not the Phase 2 silo or drive aisle. **Applicant shall clarify if a lighting plan for Phase 2 will be provided when they apply for final site plan approval.**
 - ii. The Redevelopment Plan requires sufficient illumination to prevent any "dark corners". Most of the parking areas and warehouse/office building exterior have sufficient illumination, but the northeastern corner of the parking area (near the northern driveway opening) has a dark corner. **Lighting shall be provided to increase illumination in this area.**
 - iii. The "Notes" for the Wall-Mounted Light Detail on the Lighting Plan do not match the proposed development. **These should be revised.**
 - iv. **The mounting heights for all lights must be added to the lighting schedule. We note that the Typical Light Pole Detail indicates a mounting height of 17 feet.** This complies with the Redevelopment Plan (maximum of 20 feet above grade permitted). The height of the building-mounted fixtures shall be provided.



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- v. The illumination along the property lines is well below the maximum permitted 5 foot-candles. ***This complies.***
- (f) ***Trash and Recycling:*** A 288 square foot trash enclosure is provided to the east of the silo area, which includes two (2) eight cubic yard (8 cy) dumpsters. The trash area is enclosed by an eight foot (8') tall concrete masonry unit (CMU; or concrete block) wall on three sides, which complies with the requirement of the Redevelopment Plan for a six foot wall. Access is provided by a gate on the east side of the enclosure; additional details are required about the material and visual permeability of the gate (material must be durable and opaque). ***Applicant shall provide additional detailed testimony regarding the operations and trash pick-up along with truck turning diagrams. Applicant should also generate and submit a trash and operations manual to include the estimated amount of trash, a recycling separation procedure and other details.***
- (g) ***Open Space Facilities:*** Applicant shall confirm during testimony that 13.2% of the area is proposed as open space, which meets the Plan requirement for 10%. Unless there is an engineering reason not to do so, additional tree or shrub plantings that will not interfere with safe operations should be provided in the areas around the silos. The plans include a green roof area on the roof terrace of the proposed warehouse/office building. Per the Redevelopment Plan, this green roof must be deed restricted. ***Applicant shall confirm they will comply with this requirement and submit deed restriction draft for review by Board professionals prior to building permits being issued.***
- (h) ***Fences and Walls:*** Fencing is proposed around the northern property boundary, which then extends around the drive aisle circling the silo areas. Additional fencing is located near the proposed warehouse/office building. A fence detail on sheet 12 of the site plans shows a chain link fence of six feet in height with barbed wire along the top. ***This does not comply with the Redevelopment Plan, which does not permit chain link fencing or barbed wire. The plans must be revised to provide a different material or variances are required.*** Additionally, the front of fencing along the property line along Commerce Street is taller than permitted for a front lot line (permitted is four feet and proposed is six feet). ***This shall be revised or a variance is required. The Applicant has requested the variances for fence height and fence material.***
- (i) ***Signage:*** Applicant proposes a monument sign located near the northern driveway opening. The sign is about 54.6 square feet in area and has a maximum height above grade of 6.5 feet. ***This complies with the Redevelopment Plan requirements. Applicant shall confirm that this is the only proposed sign for the development. The sign detail includes room for two company logos. Applicant shall clarify if multiple tenants are proposed.***
- (j) ***Public Access to Waterfront:*** The Redeveloper is required to either develop a portion of the Hudson River Waterfront Walkway or provide a financial contribution to the City for the construction of off-



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site waterfront access. **No Waterfront Walkway is proposed in the plans. Applicant shall confirm they intend to provide financial contribution to the City, as required by the Plan.**

- (k) **Flood Hazard Prevention:** The subject property is located within a FEMA-designated Flood Hazard Area, and the development is therefore subject to §29-6 of the City of Bayonne municipal code and the regulations of the New Jersey Flood Hazard Control Act. **We defer to the Board Engineer and City Floodplain Manager to determine compliance with applicable provisions.**
- (l) **Landscaping:** Per the Redevelopment Plan, street trees are required. No street trees are proposed. **A variance is required.**
- (m) **Affordable Housing:** Affordable housing obligations shall be established in the Redevelopment Agreement, and shall be in accordance with the City's Fair Share Housing Ordinance and Statewide Non-Residential Development Fee Act, which is currently 2.5%. Testimony regarding the same should be provided.
- (n) **Redeveloper's Designation and Agreement:** Applicant shall provide proof that it has been designated the redeveloper of the site and shall submit the Redeveloper's Agreement with the City.
- (o) We defer to the Board Engineer regarding drainage, storm water, traffic and other engineering issues related to the site.
- (p) The applicant should be prepared to discuss whether any additional permits/approvals are required by outside agencies.

If you should have any questions with regard to the above matter, please do not hesitate to call.

cc: Alicia Losonczy, Planning/Zoning Board of Adjustment Administrator
Richard N. Campisano, Esq., Board Attorney
Robert J Russo, PE, PP, CME, City Engineer
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