

**COMPLIANCE REVIEW - ENGINEERING  
PROPOSED PRELIMINARY & FINAL MAJOR SUBDIVISION APPLICATION  
(w/Variance Request)  
APPLICANT : DUKE REALTY BAYONNE DEVELOPMENT, LLC  
OWNER : IMTT-BX, LLC  
BLOCK 466, LOTS 1-4 & BLOCK 465, LOT 9  
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY**

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

Prepared by:  
Matrix New World Engineering, Land Surveying  
and Landscape Architecture, P.C.  
442 State Route 35, 2<sup>nd</sup> Floor  
Eatontown, New Jersey 07724

October 11, 2022

**MATRIX JOB NO. 13-454**



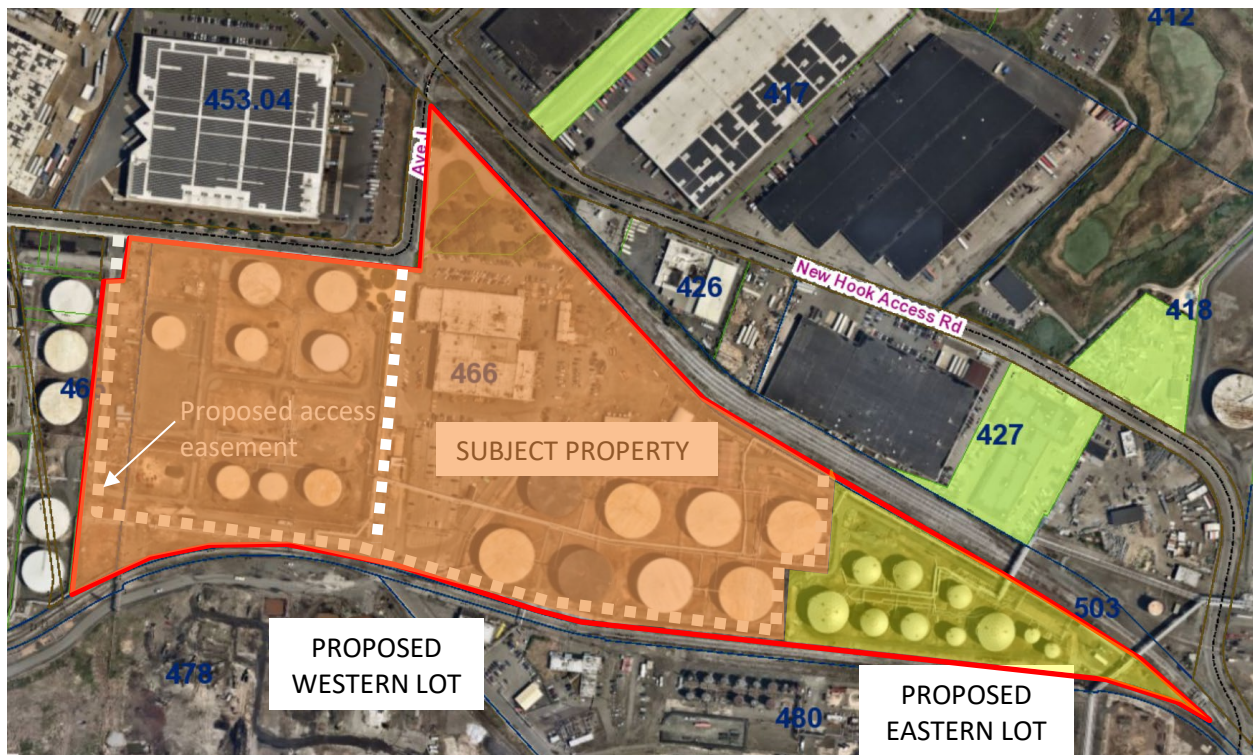
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Andrew W. Raichle, P.E.  
NJ Professional Engineer License No. 24GE04188900

## INTRODUCTION

Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. (Matrix) has performed a review of the Preliminary and Final Major Site Plan application submitted by Duke Realty Bayonne Development, LLC (“Applicant”) for the proposed subdivision, consolidation and lot line adjustments of various lots in the City’s I-H Zone as referenced on the title page of this report.

The Subject Property and the proposed subdivision and associated access easement is conceptually illustrated below (not all proposed and existing easements are illustrated).



As evidenced in the figure above, the proposed subdivision would create a lot (Proposed Eastern Lot) that has not frontage on a public road. Approval of this condition would require Bulk (c) Variances, which the Applicant has requested. The Applicant has proposed to dedicate varying width access, utility and drainage easements through the Proposed Western Lot in favor of the Proposed Eastern Lot to connect it to East 22<sup>nd</sup> Street and mitigate the lack of access issue. The Applicant has also documented the existence of non-conforming setback requirements, and seeks their memorialization through bulk variances and/or waivers.

The Applicant offers the proposed subdivision in the context of a real estate transaction that would transfer ownership of the Proposed Western Lot from the Owner to the Applicant. The Applicant offers the following statement concerning the application:

*The aforementioned access easements are of sufficient size and shape to continue to provide safe, efficient, and convenient access for servicing, fire protection/equipment, ambulances, and other emergency vehicles necessary for the ongoing protection of health*

*and safety. Moreover, the creation of these access easements will promote the future redevelopment of Proposed Lot 1 (Western Lot) and surrounding properties.*

## **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. One sheet titled “Major Subdivision Plat”, prepared by DPK Consulting, dated May 11, 2022 and latest revised July 15, 2022
3. One (1) sheet titled “ ALTA/NSPS Land Title Survey”, prepared by DPK Consulting, dated April 28, 2022

### **Matrix offers the following comments concerning the application materials:**

1. The existing and proposed access easements on the property are associated with existing driveway entrances onto East 22<sup>nd</sup> Street. The Applicant shall provide testimony that the existing driveway entrances comply with City zoning requirements and design standards for access of emergency vehicles and sight triangles.
2. The Applicant shall provide evidence that the existing and proposed access easements, along with the existing improvements within those easements, provide adequate access for use of (and emergency access to) the proposed lots. Such evidence shall include evidence from the Owner (IMTT) that the proposed subdivision will not impede its ability to conduct safe and regulatory compliant operations.
3. Concerning the comment above, the Applicant shall provide evidence that the improvements on the Proposed Western Lot that are necessary to provide access to the Proposed Eastern Lot (e.g. roadway improvements, lighting, signage, etc.) are in-place or will be in place prior to the perfection of the subdivision.
4. The Applicant shall provide evidence that utilities on the Proposed Western Lot that are necessary to service the operation of the Proposed Eastern Lot (e.g. roadway improvements, lighting, signage, etc.) are in-place or will be in place prior to the perfection of the subdivision, and will lie within utility and access easements identified on the Subdivision Plan.
5. The Applicant shall provide evidence that the presumed City Right of Way cited as Avenue I is, in fact, a City-owned public right of way. The only current evidence offered is that it is shown on the City Tax Map.
6. The Applicant shall provide an explanation of the parcels designated as Block 466, Lots 1-4 relative to this application. Specifically, they are included in the ALTA survey as part

of the existing boundary survey and appear to be part of the consolidated IMTT operation, but are not included in the subdivision. The Applicant shall provide evidence that the Owner of Lots 1-4 is the beneficiary of easements and access necessary for operation of the facilities on those lots.

7.

## **RECOMMENDATIONS**

Matrix recommends that the Applicant provide testimony concerning all of the above-referenced topics. Matrix takes no exception to the requested setback variances.

Matrix recommends the following conditions of approval be memorialized, if approval is granted.

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 (if necessary) in the amount determined by the City Engineer and in compliance with applicable City ordinances.
4. The Applicant shall provide draft easements as shown on the Plan for City review and approval prior to execution.
5. The Applicant shall provide evidence of recorded easements (existing and proposed) identified on the Subdivision Plan prior to recording of the Subdivision.
6. The Applicant shall perfect the Subdivision by recordation of a deed of subdivision with the County Clerk that includes both plat and legal descriptions.
7. County Site Plan Approval or Statement of No Interest.