Review 1
Preliminary and Final Major Site Plan and Minor Subdivision
Sixth Wave Logistics, LLC
Application No. P-22-031

Block 416, Lots 1.01 and 2.01
69-71 New Hook Road
69-71 New Hook Road Redevelopment Area

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1. Project Summary and Site Description

1.1. Proposal. The applicant is proposing a minor subdivision that would subdivide Lots 1.01 and 2.01 into Lots 1.02 and 1.03. Remainder Lot 2.01 would be renamed 2.02. Consequently, Lots 1.01 and 2.01 would cease to exist. The applicant is also seeking preliminary and final major site plan approval to demolish seven existing buildings comprising a self-storage use on existing Lot 1.01, and to develop a new seven-story, 157,150 sf. gross floor area (24,700 sf. footprint) self-storage facility in one building on proposed Lot 1.03, and a 68,300 sf. flex space in a separate building on proposed Lot 1.02. The project is considered the second phase of a project, the first phase of which was approved in 2020. Additional improvements include an exterior/self-contained self-storage building, parking for passenger vehicles and tractor-trailers, fences and retaining walls, landscaping, lighting, and utilities including stormwater and drainage infrastructure.

The applicant indicates in their application that the proposal encompasses Lots 1.01 and 2.01, however, all proposed development appears to be on Lot 1.01, with no new development proposed on Lot 2.01.

1.2. Project Background. The site is located in the 69-71 New Hook Road Redevelopment Area. The Redevelopment Area consists of Block 416, Lots 1.01 and 2.01. These were previously Lots 1 and 2 at the time the Redevelopment Plan was prepared, but a subdivision realigned...
the lots lines and were renamed Lots 1.01 and 1.02. Where previously each lot was a perfect rectangle forming a square, it is now two bulky “L” shaped lots forming a square.

In addition to the 2020 subdivision, at the time a 195,000 sf. flex space building was approved to be developed on Lot 2.01. The Redevelopment Plan requires on page 6 that the Redevelopment Area was intended to be developed as a whole, though phasing is permitted.

1.3. Existing Site Conditions. The entirety of the Redevelopment Area consists of 15.5 acres (675,000 sf.). The lot contains frontage on New Hook Road along the southwest boundary, and Lefante Way along the northeast boundary.

Existing Lot 1.01. Existing Lot 1.01 contains a self-storage facility composed of one large storage building and six smaller “drive up” self-storage buildings divided into individual units accessed by roll-up garage doors. The large building contains an office and drive up area. Solar panels are located on the roof. Trees line the frontage along New Hook Road and some of the frontage on Lefante Way. There is gate controlled access to the site from either frontage. The access drive on New Hook Road leads to a parking area and an overhang/canopy for delivery drop off. Larger vehicle storage spaces are located within the crux of the “L” shaped main building.

Existing Lot 1.02. Existing Lot 1.02 contains a recently approved and constructed 194,885 sf. flex space that is occupied by HD Supply. The site contains a linear parking area that runs the length of the southeastern portion of the building, as well as tractor trailer parking spaces that similarly run the length of the northwestern portion of the building, with additional truck parking across the larger of the two driveways. Plantings are located around the site. In similar fashion to Lot 1.01, the site has access to both New Hook Road and Lefante Way.

1.4. Neighborhood Context. The area of the proposed project is predominantly occupied by industrial and commercial uses. Between Lefante Way and New Hook Road are other warehousing and storage facilities, including Bookazine to the northwest and FedEx to the Southeast. Across Lefante Way are similar establishments. Across New Hook Road is the Bayonne Crossing Shopping Center, which contains a number of large national retailers and restaurants and associated infrastructure relating to parking and loading. To the northwest across Lefante Way is the South Cove Commons Shopping Center, containing Stop & Shop, T.J. Maxx, and other establishments relating to retail, dining, and services.

1.5. Environmental Factors. The entirety of the redevelopment area is located in a flood zone. 70%± of the site is within Flood Zone X (containing a 0.2% annual chance flood hazard) consisting of the area containing frontage on New Hook Road and extending back approximately 70% or so. In fact, signs at the entrance to HD Supply warn of the possible of flooding of the driveways. Beyond that and approaching Lefante Way, the RDA is in Flood Zone AE (containing a 1% annual chance flood hazard). The RDA also contains a known contaminated site according to the New Jersey Department of Environmental Protection.

1.6. Relief Required. A list of required variances and exceptions can be found in Section 13 of this report.
2. **Zoning**

2.1. **Permitted Principal Use – Proposed Lot 1.02.** Pursuant to §2.A.1.o, flex-space “for commercial and light industrial uses, including office space and administration, logistics support, value-added distribution and assembly” is a permitted use in the Redevelopment Area. Additionally, §2.A.1.e permits cold storage. Flex-space and cold storage are proposed on proposed Lot 1.02. The applicant should testify as to potential tenants so the Board can be assured that any future use falls under the Flex-space definition.

2.2. **Permitted Principal Use – Proposed Lot 1.03.** Pursuant to §2.A.1.b, self-storage facilities are permitted in the Redevelopment Area. The proposed facility is permitted.

2.3. **Accessory Uses.** Pursuant to §35-5.17.c.1, all accessory uses permitted in the IL-A and IL-B zones are permitted in the I-H zone. The IL-A and IL-B zones permit accessory uses customary to the principal use. The proposed accessory uses and structures include signs, fences, retaining walls, parking for trucks and personal vehicles, and a trash enclosure. These are all permitted as they are customary uses and structures to the principal use.

2.4. **Bulk Standards.** The following table indicates the conformance of the plan and subdivision with the 69-71 New Hook Road Redevelopment Plan bulk regulations. **Variances are required at this time, though clarification from the applicant may mitigate required relief.**

<table>
<thead>
<tr>
<th></th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed Lot 1.02</th>
<th>Proposed Lot 1.03</th>
<th>Proposed Lot 2.02</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Tract Area</td>
<td>5 acres</td>
<td>15.5 acres</td>
<td>No change</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Min. Tract Width</td>
<td>250 ft.</td>
<td>750 ft.</td>
<td>No change</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Min. Tract Depth</td>
<td>500 ft.</td>
<td>900 ft.</td>
<td>No change</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Max Bldg. Height</td>
<td>6 stories / 90 ft. (1)</td>
<td>90 ft. 6 in. (2)</td>
<td>90 ft. 6 in.</td>
<td>No change</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Max. Façade Length</td>
<td>850 ft.</td>
<td>360 ft.</td>
<td>190 ft.</td>
<td>No change</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Min. Setback From all Property Lines</td>
<td>20 ft.</td>
<td>12 ft.</td>
<td>12 ft. 3 in.</td>
<td>No change</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Min. Bldg. Setback from Other Buildings</td>
<td>20 ft.</td>
<td>190 ft.</td>
<td>190 ft.</td>
<td>No change</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Max. Impervious Cover</td>
<td>90%</td>
<td>89%</td>
<td>Not Provided</td>
<td>Not Provided</td>
<td>Not Provided</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

(1) - Maximum height includes any roof-top mechanical equipment.
2.5. **Maximum Building Height.** Pursuant to §2.B.a, the maximum permitted height in feet is 90 ft. The zoning table on the site plan indicates that the height is conforming, however, utilizing the scale on the architectural drawings, the buildings appear to be slightly taller than what is permitted. The applicant may wish to provide testimony or clarify the plans regarding building height. A variance appears to be required for each of the proposed buildings.

2.6. **Minimum Property Line Setback.** Pursuant to §2.B.c, the minimum required setback of principal buildings to any property line is 20 feet. Both proposed buildings are located less than 20 feet to proposed Lot 2.02. Lot 1.02 is located 12 feet to the nearest property line, and Lot 1.03 is located 12 feet and 3 inches to the nearest property line. A variance is required for each of the proposed buildings.

2.7. **Potential Maximum Lot Coverage Variance.** Pursuant to §2.B.c, a maximum lot coverage of 90% is permitted. The zoning table provided on the site plan indicates that the proposed lot coverage is conforming. It is not possible to verify this, as the site plan does not clearly indicate the location of pervious cover. There are lines pointing to areas which indicate “lawn”, but the full area of the lawn is not delineated. The plan should be updated to clearly indicate which areas are pervious vs. impervious. Variance relief may be required.

2.8. **General Note Regarding Bulk Requirements.** It is recommended that the zoning table on the site plan be updated to provide separate bulk, yard and structure requirements by lot, rather than for the tract as a whole since this is how the regulations are actually applied.

3. **Subdivision Comments**

3.1. **Through Lots.** Per §33-10.3.c, double frontage lots are to be avoided and generally will not be permitted unless the lots are a minimum of 200 feet deep. Although the existing parcel (Lot 1.01) is considerably greater than 200 feet deep, the subdivision of the subject property into two parcels would remove the existing “through lot” condition at the subject property. As the Ordinance indicates that they should generally be avoided, the subdivision does fulfill this standard.

4. **Site Plan Comments**

4.1. **Off Street Parking Requirement – Proposed Lot 1.02.** The proposed development on Lot 1.02 is flex-space, which can be used “for commercial and light industrial uses, including office space and administration, logistics support, value-added distribution and assembly”. The plan does not indicate the break down of the flex-space. The site plan utilizes the warehouse parking standard to determine conformance, but flex space typically includes an office component in excess of that typically found in warehousing, or assembly and manufacturing. The proposed building is 68,300 sf. Warehousing requires 0.5 spaces per 1,000 sf., or in this instance, 34 spaces. 60 spaces are proposed, considerably more than what would be required for a warehouse of that size, which suggests these other uses are in fact planned.
The other uses permitted within a flex-space use, such as light industrial (.7 space / 1,000 sf), manufacturing (1 space per 1,000 sf), or office (4 spaces per 1,000 sf), have higher parking requirements. **The applicant should provide testimony indicating the anticipated breakdown of the flex-space so that conformance with the parking requirements can be determined.**

4.2. **Off Street Parking Requirement – Proposed Lot 1.03.** Pursuant to §2.C.1.e., self-storage facilities require 1 parking space per 10,000 sf. The facility is 157,150 sf., requiring 16 parking spaces. 15 parking spaces are proposed, one of which is a make-ready parking space. The make-ready parking space counts as two spaces, and as such the plan complies.

4.3. **Vehicle Stall Dimensions.** All proposed spaces are “standard spaces”, which are required to be at least 8.5 feet wide by 18 feet deep. The proposed standard spaces are 9 feet wide by 18 feet deep. The plan complies.

4.4. **Curb Cuts.** The tract is required to conform to three standards regarding curb cuts:

- A maximum of three curb cuts are permitted per street frontage for the tract as a whole. The proposal indicates that there will be six total curb cuts, three on each street frontage. The plan complies.

- The maximum permitted curb cut width is 20 feet, though §2.C.3.b states that “additional width is permitted at driveway opening as may be necessary to permit safe turning movements.” Both proposed curb cuts are considerably wider than 20 feet. On New Hook Road, the proposed curb cut is ±47 feet in width, and on Lefante Way the proposed curb cut is ±37 feet in width. This office defers to the Board’s traffic engineering expert as to whether this is required for safe turning movements.

- The minimum separation required between each driveway is 20 feet. The proposed driveways are considerably further than 20 feet from one another. The plan complies.

4.5. **Drive Aisle Width.** Pursuant to §2.C.4.j, the minimum required drive aisle width is 22 feet for two-way aisles. At its narrowest point, the proposed drive aisle leading from New Hook Road into the site is 24 feet in width. The plan complies.

4.6. **Streetscape.** Streetscape improvements regarding sidewalks and curbs are subject to review by the Board Engineer. Streetscape design is required to be attractively and uniformly designed with pavers, shade trees, plantings, street furniture and lighting. There is no existing sidewalk, nor is one proposed. However, we believe this to be a mistake, and was a mistake not to require the installation of sidewalk on the HD Supply lot when it was first before the Board. Both Lots Lot 1.03 and 2.02 will be directly across the street from the Bayonne Crossing Shopping Center where there are a plethora eating places, plus grocery shopping. These would be ideal places for workers to walk to for meals. Consequently, we do not recommend granting the design exception necessary and recommend that sidewalk be installed. Furthermore, a crosswalk to the receiving side of the easterly sidewalk of the shopping center itself should be installed. We defer to the City Engineer as to the details of the materials of the crosswalk. The proposed driveways are composed of asphalt. The
frontages are attractively landscaped. More comprehensive landscaping recommendations are located in 4.15.

4.7. **Traffic Signals.** Pursuant to §2.D.4., signal preemption is required for any proposed traffic signals along the redevelopment area frontages. No such traffic signals appear to be proposed. Further analysis is deferred to the Board Engineer or Traffic Consultant.

4.8. **Public Improvements.** Analysis of other required public improvements is deferred to the Board Engineer.

4.9. **Remediation.** Analysis of required environmental remediation is deferred to the Board Engineer.

4.10. **Site Lighting.** The applicant proposes 21 lights. There are five types of lighting proposed, labeled as A, B, C, D and E. Lights A and B are pole-mounted lights, and lights C, D, and E are building/wall mounted lights.

- Pursuant to §2.D.7., free standing lighting shall be no higher than twenty feet. The eight proposed freestanding lights are 20 feet in height. The plan complies. The wall mounted lights are 27 feet in height, but no height limit is indicated in the plan for such lights.

- Lighting shall have a maximum illumination of one footcandle at property lines. The site lighting at New Hook Road complies, as does the shared boundary with Bookazine to the northwest. At the southernmost corner of the proposed Lot 1.02 the plan indicates a spot where the footcandle reading is 2.3 on Lefante way. Additionally, the lot lines within the redevelopment plan contain lighting considerably higher than 1.0 footcandle. **Relief is required for the lighting on Lefante Way. This office understands that the site and Redevelopment Area are to be developed holistically, however, it is recommended that relief be sought for the proposed lighting conditions at the property lines within the redevelopment area in the event ownership of the lots changes over time.**

4.11. **Trash and Recycling.** Pursuant to §2.D.8, trash and recycling is required to be either fully enclosed within a building or, if outside, requiring a 6’ masonry enclosure.

- Lot 1.02 does not appear to indicate trash and recycling storage. Presumably this is happening within the flex-use building. The applicant should provide testimony regarding waste and recycling storage on Lot 1.02 and update the plan to reflect the location and method.

- Lot 1.03 contains an external trash and recycling storage area. The detail on sheet 18 indicates that the enclosure is an eight-foot high stockade fence that will be stained to match the building color. The plan requires a masonry enclosure. We recommend that the applicant comply with the regulation. **Variance relief is required unless the proposal is modified to include a masonry enclosure.**

4.12. **Utilities.** Analysis of required utilities is deferred to the Board Engineer.
4.13. **Fences.** The applicant is proposing several types of fences, including:

- An 8-foot high fence that is either on top or in front of the proposed retaining wall along the northwestern property boundary.
- A 30-foot swing gate extending the width of the driveway between the self-storage facility and the northwestern site boundary.
- An 8-foot high chain link fence that was approved in Phase 1 is proposed to move north to align with the new property line for proposed Lot 2.02, separating the property from proposed Lots 1.02 and 1.03.
- A narrow length of 8-foot chain link fence is proposed between the property line of proposed Lot 2.02 and the eastern corner of the proposed exterior self-storage units. A similar length of fence is proposed between the southern corner of the flex-use building and proposed Lot 2.02.
- A row of bollards are proposed along the 190-foot length of the outer wall of the proposed exterior storage units.

Fence height along property lines and within the site (not along the public right-of-way) are permitted a maximum height of 8 feet. All proposed fences are eight feet in height, and none are proposed along the public right-of-way. The applicant should confirm that the fence proposed with the retaining wall is in front of the wall, rather than on top of the wall. If the fence is on top of the wall, a variance will be required since the combination of the two would be in excess of the permitted height.

4.14. **Walls.** A retaining wall is proposed along the shared property boundary with Bookazine (Block 414, Lot 2). It runs a length of 872± feet. The wall is less than a foot at its lowest (near New Hook Road) and just over six feet at its highest point near the center of the wall. The height of the wall complies with the eight foot height requirement.

4.15. **Signs – Lot 1.02.** The applicant is proposing two building mounted signs on the flex-space building. The first is on the north elevation, visible from Lefante Way, and the second on the east elevation, which will be visible to those driving west on Lefante Way. The specific sign details are not included with the plan, however, the plans do indicate that the signs will be rectangular in shape and 20 feet wide and ten feet high with an area of 200 feet each.

These signs are regulated under §2.D.11.b, “building signs.” This section allows for one primary building sign not to exceed 200 sf. or 20% of the façade. Curiously, the plan only permits this on the south facing façade. A second building sign not to exceed 10 sf. in area per business (provided that the total sign area of the facade does not exceed 20% of the wall area or 250 sf., whichever is less) is also permitted. Similarly, this is only permitted on the west facing façade.

As of now, a variance is required for the size of the second sign, unless the applicant provides information on future tenancy which would indicate there are at least 20 businesses, which would permit a 200 sf. secondary sign. Variances are also required for
placing the signs on the northern and eastern facades, though this appears to be based on one large building, rather than a subdivision with two buildings containing frontages on two separate streets.

4.16. **Signs – Lot 1.03.** The applicant is proposing one building mounted sign on the south side of the building facing New Hook Road. The sign states “Delta Storage: Your happy space” with a cardboard box logo. The area of the sign is 234 sf., and the area of the signage graphic area is 197 sf. The longest dimension of the sign is 36 feet. This sign is regulated under §2.D.11.b, “building signs.” This section allows for one primary building sign not to exceed 200 sf. or 20% of the façade and it must face south. Furthermore, no building sign is permitted a dimension that exceeds 20 feet.

Variance relief is required for the portion of the sign that is 36 feet in length. Furthermore, variance relief appears to be required for the area of the sign. The applicant indicates that the overall area of the sign graphics is 197 sf.; however, it is typical that sign area is measured within a rectangular space surrounding the graphics. It is recommended that the more conservative approach be taken, and that the applicant request a variance for 234 sf.

4.17. **Landscaping.** Landscaping requirements are indicated in §2.D.12 of the Redevelopment Plan. This finds the proposed landscape plan to be mostly acceptable. This office offers the following recommendations regarding the plan:

- The ornamental Redbud trees are acceptable; however, this office recommends an additional one or two species be mixed in. Such species should be native or native adapted species that can survive in an urban environment.

- As a condition of any approval, the applicant should bring in healthier soil. We note that language is included on the plan to this effect, however, it should be emphasized that clean, screened, top soil from a non-urban source soil will be required for any proposed plantings to thrive in this area.

5. **Architectural Design**

5.1. **Building Design Requirements.** The Redevelopment Plan requires that buildings with a façade length greater than 150 feet comply with certain specific requirements. Both buildings contain facades greater than 150 feet. The proposed flex-use building has façade lengths greater than 150 feet on all four sides, and the proposed self-storage building contains facades greater than 150 feet in length on its northern and southern elevations.

- Changes in materials, color, pattern and/or texture. Both buildings contain black, gray light and dark beige coloring arranged in segments that create variation along the facades. This is utilized in conjunction with glazing, changes in materiality, and variation in articulation. The plan complies.

- Use of columns, colonnades, pilasters, balustrades or similar ornamental features. While none of these specific features are used, the design contains articulation and variation in materials that create visual breaks that this requirement is provided to
incorporate. Given the industrial nature of the area and proposed uses, the method utilized by the applicant appears sufficient.

- Changes in the size and rhythm of fenestration/glazing. Both buildings utilized glazing on their main, street facing frontages that contain variety in size and pattern of glazing. While the overall incorporation is simple, it is arranged in an attractive, clean and modern manner.

- Use of design features such as bay windows and terraces. Bay windows and terraces are not proposed, however, the use of horizontal and vertical paneling that function as entry canopies perform a similar function, and make sense given the industrial nature of the use and neighborhood.

- Changes in the roofline such as coping, parapet, cornice or similar ornamental features. Both buildings feature variety along the roofline, with gray paneled sections functioning as “towers” that are slightly higher than the general roofline/cornice.
6. Design Standards

6.1. Sidewalks. Pursuant to §33-10.4.p, sidewalks shall be required for residential, commercial, and industrial areas and shall not be less than four feet in width. No sidewalks are required by the redevelopment plan, nor is there a mention regarding sidewalks not being required. As noted above, we believe there to be good reason to require street sidewalk along New Hook Road. Sidewalk on LeFante Way, while desirable, too, is problematic since the HD Supply building on Lot 2.01 was built on compacted fill and there is now a steep embankment down to the edge of the cartway. **We do not recommend the granting of a design exception on New Hook Road for either of the two lots frontages in the application.**

6.2. Light Shielding. Pursuant to §33-10.10.b.2, lighting shall be installed with shields to limit light spillage onto adjacent properties. The lighting details provided by the applicant indicate that all lights are downward focused and full cutoff, though shielding is not indicated. It may be that shielding is not necessary given that the adjacent properties are similarly industrial, and the proposed lighting will likely not generate a nuisance due to it being fully cutoff and downward focused. **The applicant may wish to testify as to whether there is a shielding option, or whether it is necessary on the site.**

6.3. Loading Requirements – Lot 1.02. Pursuant to §33-10.9.c.2(d), buildings with greater than 50,000 sf. are required to have two loading spaces for the first 50,000 sf., and one additional loading space for each additional 100,000 sf. At 68,300 sf., the flex-use building proposed for Lot 1.02 requires three loading spaces, and 21 are provided. The plan complies.

6.4. Loading Requirements – Lot 1.03. Pursuant to §33-10.9.c.2(d), buildings with greater than 50,000 sf. are required to have two loading spaces for the first 50,000 sf., and one additional loading space for each additional 100,000 sf. At 157,150 sf., the self-storage facility located on Lot 1.03 requires four loading spaces. No loading spaces are provided. **A design exception is required, but we would characterize this as a technical variance since people will be loading and unloading commonly, just not utilizing tractor trailers.** Additionally, §33-10.9.c.2(b) requires that loading spaces be located on the same lot as the principal building; the extra loading spaces on Lot 1.02 do not apply to Lot 1.03.

7. Affordable Housing Development Fees

7.1. Affordable Housing Fees for Nonresidential Development. The applicant should, as a condition of approval, be required to pay any nonresidential affordable housing development fees required by the City ordinance.

8. Electric Vehicle Parking Requirements

8.1. Electric Vehicle Parking Requirement – Lot 1.02. Pursuant to N.J.S.A. 40:55D-66.20, there is a statutory requirement that a minimum number of parking spaces be developed as electric vehicle parking spaces or make-ready spaces in order to obtain preliminary site plan...
approval. Pursuant to N.J.S.A 66.20.3(b)(2)(a), new parking lots with 51 - 100 parking spaces require two make-ready EV parking stations. The applicant is proposing to have a total of 60 parking spaces. The applicant is proposing two make-ready parking spaces. The plan complies.

8.2. Electric Vehicle Parking Requirement – Lot 1.03. Pursuant to N.J.S.A. 40:55D-66.20, there is a statutory requirement that a minimum number of parking spaces be developed as electric vehicle parking spaces or make-ready spaces in order to obtain preliminary site plan approval. Pursuant to N.J.S.A 66.20.3(b)(2)(a), new parking lots with 50 or fewer parking spaces require one make-ready EV parking station. The applicant is proposing to have a total of 15 parking spaces. The applicant is proposing 1 make-ready parking space. The plan complies.

8.3. Accessible Electric Vehicle Parking Requirement. The applicant is not required to provide accessible electric vehicle stations as they propose fewer than 100 spaces on each lot.

9. Variance Comments

9.1. Overall Comment. The following sections summarize the “c” variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the “c” variances. The applicant must justify the “c” variances separately and each variance must satisfy both parts. We defer to the Board Attorney for any additional comment on the “c” variance criteria.

9.2. Consideration of the Positive Criteria. To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:
- Where in an application or appeal relating to a specific piece of property to purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

9.3. Consideration of the Negative Criteria. Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial
impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria.

9.4. **Variance Comments.** Variances regarding building height may be mitigated via testimony. Variance for Lot 1.02 regarding sign placement, while required, also seem reasonable, given the required elevations for building signage would appear to be out of sync with a building fronting on Lefante Way.

The applicant will need to provide testimony regarding the necessity of the other deviations listed in 13.1 of this report.

10. **Design Exceptions**

10.1. The proposal includes design exceptions. The Municipal Land Use Law at N.J.S.A. 40:55D-51.b discusses criteria for granting exceptions. While the burden of proof is lower than that of variances, the statute does provide a framework for decisions:

> The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

We defer to the Board Attorney for any additional comment concerning the granting of design and performance exceptions.

11. **Materials Reviewed**

The following materials were reviewed in the preparation of this report:

- Application No. P-22-031, dated November 3, 2022, with attachments.
- Statement of Applicant, undated.
- Deed packet.
- Subdivision Plan, 1 sheet, prepared by David R. Avery, PLS, Langan Engineering, dated February 24, 2023, and certified April 24, 2023.
- Preliminary and Final Major Site Plan, 1 sheets, prepared Matthew Welch, PE, PP, and Richard Burrow, PE, Langan Engineering, dated November 10, 2022, revised to April 21, 2023.
• Letter modifying application to include minor subdivision, dated June 8, 2023, prepared by Thomas Leane, Esq., Connell Foley.


• As-Built Survey for Lot 2.01, 1 sheet, prepared by David R. Avery, PLS, Langan Engineering, dated February 1, 2023.

12. Applicant and Its Professionals

• Applicant/Owner: Sixth Wave Logistics, 71 New Hook Road, Bayonne, NJ 07002. Telephone: 201-858-3600. Email: vdidomenico@outlook.com.

• Owner of Lot 1.01: Di Domenico Family Limited Partners, 71 New Hook Road, Bayonne, NJ 07002. Telephone: 201-858-3600. Email: vdidomenico@outlook.com.

• Attorney: Charles J. Harrington, III, Esq, Harborside 5, 185 Hudson Street, Suite 2510, Jersey City, NJ 07311. Tel: 201-521-0100. Email: charrington@connellfoley.com.

• Engineer: Matthew Welch, PE, PP, and Richard Burrow, PE, Langan Engineering, 300 Kimball Drive, Parsippany, NJ 07054. Tel: 973-560-4900. Email: mwelch@langan.com.

• Traffic Engineer: Daniel D. Disario, PE, PTOE, Langan Engineering, 300 Kimball Drive, Parsippany, NJ 07054. Tel: 973-560-4900. Email: ddisario@langan.com.

• Architect: Dean Baumgartner, 1500 W. 1st Avenue, Suite 3425, Columbus, OH 43212. Tel: 614-488-6252. Email: dbaumgartner@fordarchitects.com.

13. List of Necessary Relief

Based on our initial review, the following variances and exceptions are required or may be required, depending on the additional information submitted by the applicant. This list is not exhaustive and may be augmented by analysis performed by other Board professionals.

13.1. Variances:

• §2.B.a – Maximum building height, Lot 1.02.
• §2.B.a – Maximum building height, Lot 1.03.
• §2.B.c – Distance to adjacent property, Lot 1.02.
• §2.B.c – Distance to adjacent property, Lot 1.03.
• §2.D.7. – Lighting at property line – Lot 1.02 and Lefante Way
• §2.D.7. – Lighting levels at property lines within the Redevelopment Area.
• §2.D.8 – Location of waste/recycling storage in Lot 1.02.
• §2.D.8 – Waste/recycling enclosure is a fence rather than masonry wall on Lot 1.03.
• §2.D.11.b.ii – Lot 1.02 primary wall sign on northern elevation.
• §2.D.11.b.iii – Lot 1.02 secondary wall sign on eastern elevation.
13.2. **Design Exceptions:**
- §33–10.3.e Lot lines shall be radial to streetlines.
- §33–10.4.p Sidewalks along site frontage.
- §33–10.9.c.2(d) Required loading spaces on Lot 1.03.

13.3. **Conditions of Approval:**
- Payment of all non-residential development fees.

We would be pleased to answer any questions concerning this review.

Cc. Alicia Losonczy, Land use Administrator
Richard N. Campisano, Esq., Board Attorney
Robert J. Russo, PE, PP, CME, Board Engineer
Suzanne T. Mack, PP, AICP, CTP, FIT, AHP, City Planner
Tracey Tuohy, Zoning Officer