

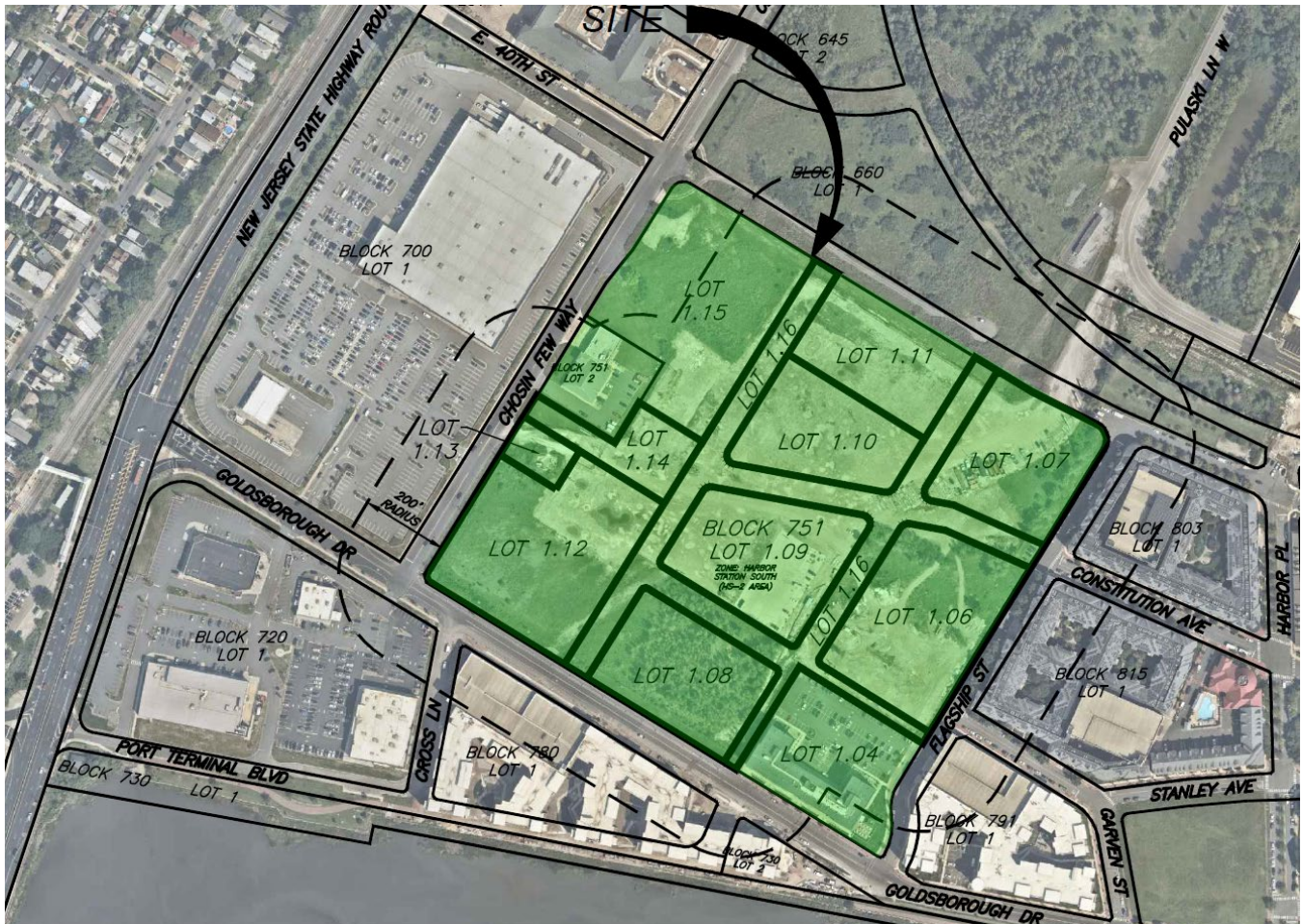
## FIRST ENGINEERING REVIEW

APPLICATION FOR GENERAL DEVELOPMENT PLAN APPROVAL  
PENINSULA AT BAYONNE HARBOR  
HARBOR STATION SOUTH REDEVELOPMENT AREA  
BLOCK 751, LOTS 1.11, 1.14 & 1.15  
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY  
APPLICANT: MAHALAXMI BAYONNE URBAN RENEWAL, LLC

**February 6, 2025**

## INTRODUCTION

The Applicant has applied for approval of a General Development Plan (“GDP”) that concerns proposed development within a portion of an area that is subject to an existing GDP authorization approved by the Bayonne Planning Board on September 23, 2019 (Case P19-022) (the “Original GDP”). The Subject Area of the Original GDP is illustrated in Figure 1.

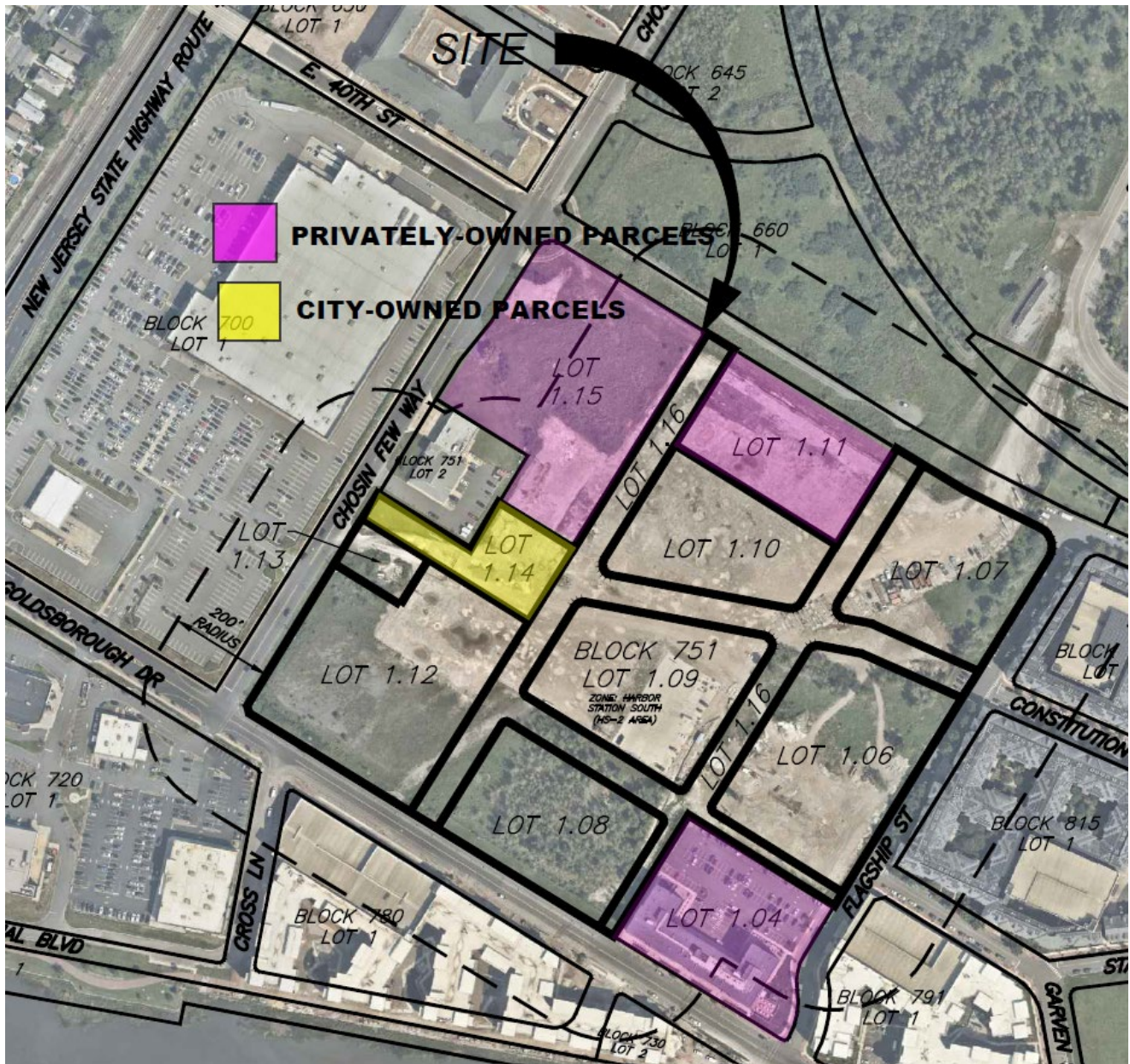


**Figure 1: Original GDP Subject Area.**

The Applicant is requesting approval of a GDP for a portion of the Original GDP's Subject Area. The Subject Area of the GDP application under consideration (the "Subject GDP Application") is illustrated in Figure 2, and the subject parcels are itemized below.

- Privately-Owned "Development" Parcels – Block 751, Lots 1.04, 1.11 & 1.15.
- City of Bayonne-Owned Parcels – Block 751, Lot 1.14

The Applicant is not the Owner of any of the above-referenced parcels and shall provide evidence that the Owners of the referenced property have consented to the filing of the Subject GDP Application.

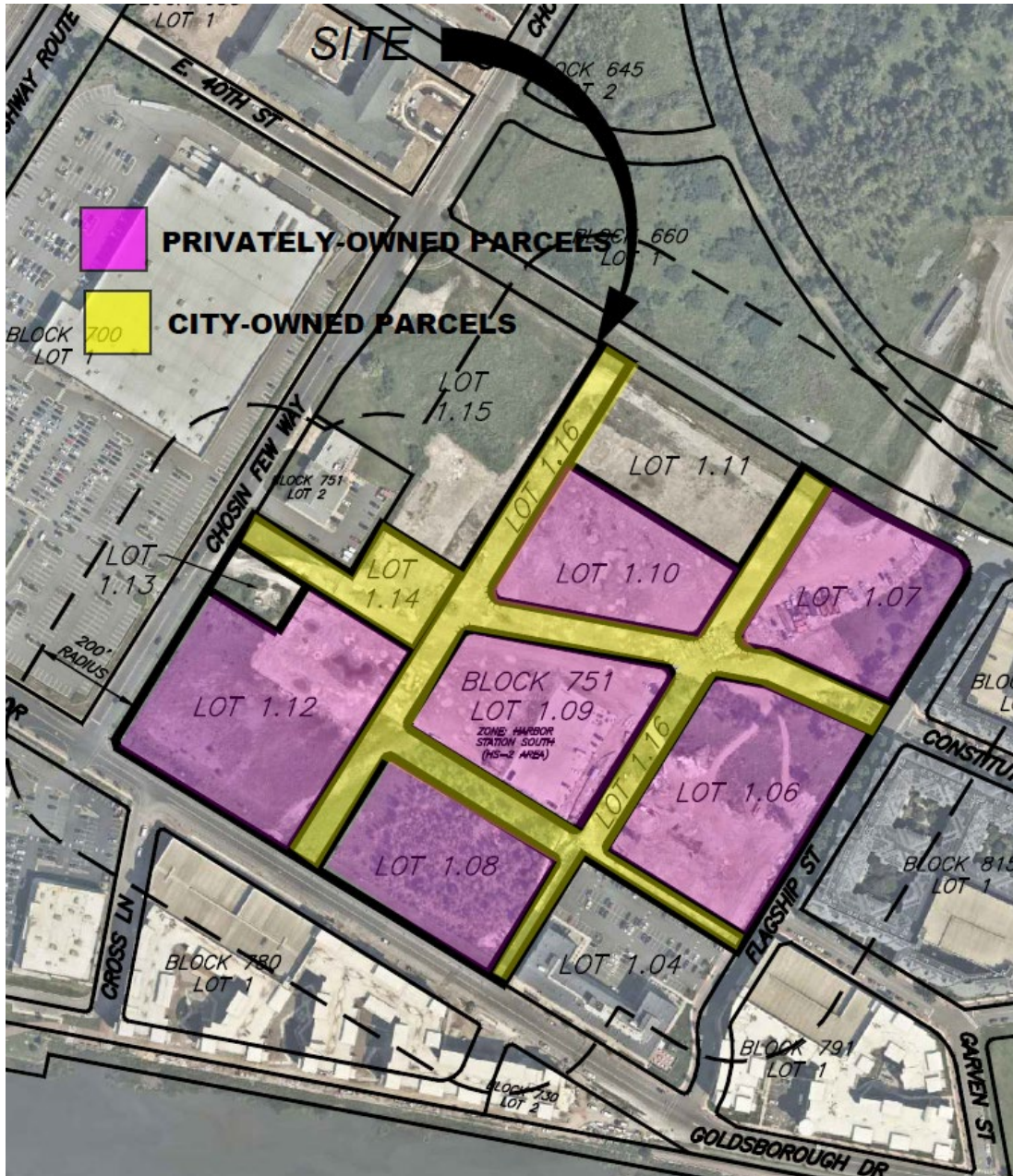


**Figure 2:** Subject Area of the Subject GDP Application

The Subject GDP Application is being considered simultaneously with a separate GDP application that concerns other properties within the Original GDP Subject Area. Specifically, the Planning Board is considering Application File P-24-003 (the “Companion GDP Application”), which requests GDP approval for the following parcels within the Original GDP Subject Area (see Figure 3).

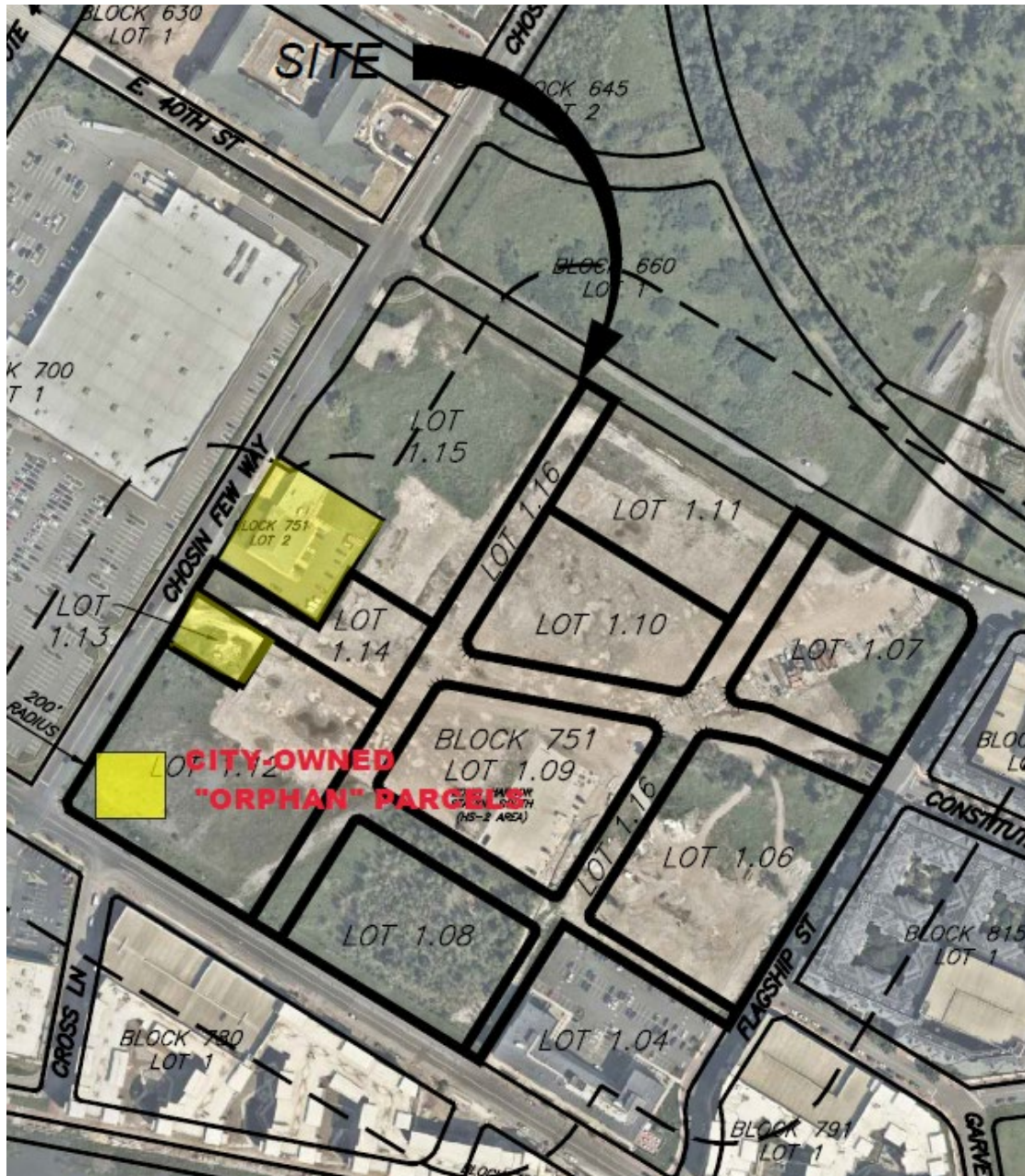
- Privately-Owned “Development” Parcels – Block 751, 1.06, 1.07, 1.08, 1.09, 1.10 & 1.12
- City of Bayonne-Owned Parcels – Block 751, Lot 1.14 & 1.16

Notably, both the Subject GDP Application and the Companion GDP Application seek approvals for the City-owned Lot 1.14.



**Figure 3:** Subject Area of the Companion GDP Application

Neither the Subject GDP Application nor the Companion GDP Application seek approvals for the City-owned parcels identified as Lots 1.13 and Lot 2. These “Orphan Parcels” were part of the Original GDP Subject Area and are illustrated in Figure 4.



**Figure 4:** Location of “Orphan Parcels”

The aggregate of the Subject GDP Application, the Companion GDP Application and the fact that the applications create the Orphan Parcels amounts to a deconstruction of the Original GDP approval in a manner that renders it untenable for future planning considerations. Therefore, I recommend that the Original GDP approval be rescinded should the Planning Board decide to approve **both** the Subject GDP Application and the Companion Application. Approval of one application without the other would not be



cause to terminate the Original GDP Approval because it would leave one of the Applicant entities without the GDP’s entitlements.

The Board might consider both applications as amendments to the Original GDP Approval. However, the existence of two separate application entities appears to render that possibility moot.

Although rescission of the Original GDP Approval, considered together with successful approval of the Subject and Companion GDP applications would create City-owned Orphan Lots, I find no objection to this occurrence. The City has full control over the development of the Orphan Lots, with or without being included in a GDP approval.

Lastly, it is noted and recommended that the Subject GDP Application and the Companion GDP Application should not be considered independently. Each of the applications relies upon a common City-owned street grid and public open space parcel for its requested development, and consideration of development of any parcel within the Original GDP’s Subject Area will affect the neighboring property in a myriad of ways, including traffic, utility availability, viewsheds, shadowing, etc.

**COMPARISON OF SUBJECT GDP APPLICATION TO ORIGINAL GDP APPROVAL**

The Subject GDP Application requests substantially denser development than what was approved in the Original GDP as itemized in Table 1.

<b>Table 1: Proposed increases in development</b>			
	<b># RESIDENTIAL UNITS</b>	<b># HOTEL ROOMS</b>	<b>COMMERCIAL (SF)</b>
ORIGINAL GDP APPROVAL	4,500	218	74,985
<b>SUBTOTAL</b>	<b>4,500</b>	<b>218</b>	<b>74,985</b>
SUBJECT GDP APPLICATION	4,803	218	24,732
COMPANION GDP APPLICATION	11,900	500	499,600
<b>SUBTOTAL</b>	<b>16,703</b>	<b>718</b>	<b>524,332</b>
<b>PROPOSED INCREASE</b>	<b>12,203</b>	<b>500</b>	<b>449,347</b>

From a zoning perspective, the requested densities became achievable through the modification of the Harbor Station South Redevelopment Plan, which increased allowable building heights within the Subject Area.

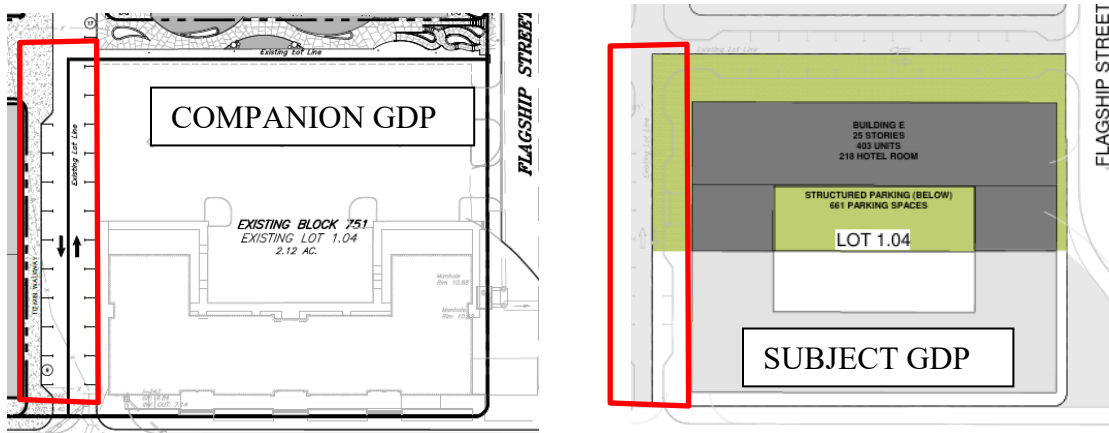
Excepting the proposed changes in the buildings, the differences between the Original GDP approval and the Subject GDP are minor in nature, except for phasing. The Applicant proposes a substantially different phasing plan than the Original GDP. All phased improvements shall be accompanied by all of the necessary infrastructure, public service upgrades, and open space investments as the City and Board deem necessary to ensure that the development does not impose a burden on City resources. The proposed phasing of open space improvements is biased toward the latter part of the phasing plan, which should be modified.

## CONFLICTS BETWEEN SUBJECT GDP APPLICATION & COMPANION GDP APPLICATION

As noted above, I recommend that the Subject GDP application and the Companion GDP application be considered concurrently. They must also be consistent with regard to the proposed common elements. A review of the applications reveals the following conflicts.

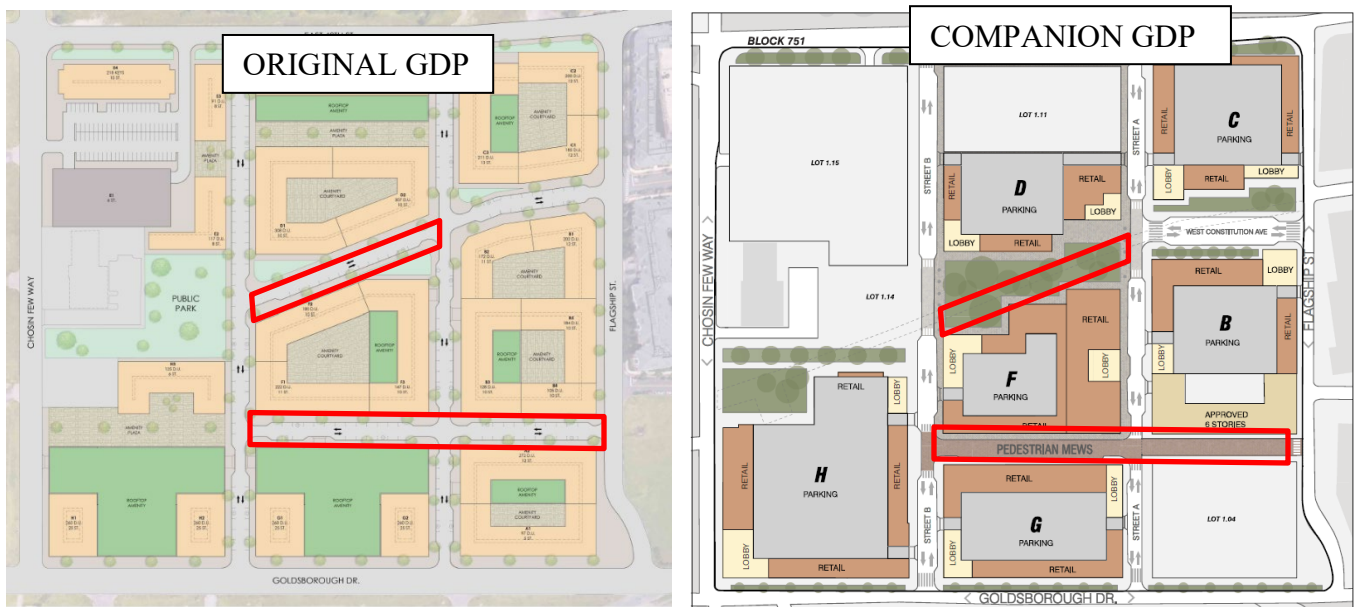
### Lot 1.04-Adjacent Roadway

The proposed roadway that lies immediately adjacent to the westerly boundary of Lot 1.04 was contemplated in the Original GDP and is identified as a two-way roadway in the Subject GDP. The Companion GDP identifies this roadway as being partially converted to open space (see Figure 5). I recommend that the roadway construction remain a requirement of both GDPs and that any right of way dedication that is necessary to achieve this outcome be a condition of both approvals.



**Figure 5:** Location of Lot 1.04-adjacent Right of Way

- **Pedestrian Plazas** – The Companion GDP Application proposes pedestrian plazas in locations previously contemplated as internal streets (see Figure 5). In the event that the Board approves the Companion GDP Application, all exhibits associated with the Subject GDP Application shall be revised to include the pedestrian plazas.



**Figure 5:** Location of proposed conversion of planned streets to planned pedestrian plazas

## Phasing

The Original GDP Plan's phasing was based upon a common ownership of properties and a lot-by-lot development that could utilize commonly owned adjoining properties for staging, temporary parking, etc. The fragmented ownership and proposal of two distinct GDP plans (with their own phasing) introduces the likelihood of conflict between concurrent construction activities and also introduces the likelihood that existing residents will experience the inconveniences of construction. The Applicant should provide testimony on how it will consider the construction activities of the other parties now that the properties are no longer under a single entity's control.

## **APPLICATION DOCUMENTS**

The application package reviewed by Watermen includes the following documents that are relevant to this review:

- Document entitled, "Statement of the Applicant." Undated and unsigned.
- Plans entitled, "*General Development Plan, Harbor Station South, Bayonne, NJ 07002*", prepared by Emara Chobrial Architects and last revised September 20, 2024.
- Traffic Impact Assessment prepared by Stonefield and dated January 30, 2025
- Application form and other accessory documents, including review letters from City Departments and Commissions

## **ENGINEER'S COMMENTS**

This Engineering Review provides a technical analysis of the Application with respect to the City of Bayonne's governing land use regulations and engineering standards. In accordance, with the City's GDP Ordinance, the following features of the application have been reviewed, and are addressed herein:

- Zoning Compliance
- Open Space Adequacy
- Public Services Adequacy
- Community Impact
- Project Phasing

## GENERAL COMPLIANCE WITH GDP ORDINANCE

The City's governing General Development Plan ordinance (33-6.4) specifies "general" criteria for submitted applications. The Application satisfies the requirements that the Property be designated as an Area in Need or Redevelopment and be controlled by a Redevelopment Plan.

Watermen's review of the Application is guided by the following language specified in the GDP ordinance:

*The purpose of the General Development Plan process is intended to be general in nature and to provide an increased flexibility desirable to promote mutual agreement between a developer and the Board regarding the basic scheme of a Planned Development and such matters should be considered in a general fashion, from the standpoint of probable feasibility, with a more detailed presentation deferred until the subsequent applications for preliminary site plan and/or subdivision approvals so long as there is sufficient information to satisfy the Board that the proposed Planned Development complies with the zoning requirements and would not cause an unreasonably adverse impact on the area.*

## GENERAL PLAN COMMENTS

Review of the submitted application materials generated the following comments and requested revisions/supplements:

1. Revise all references to the Redevelopment Plan to include the date of the most recent revision or adoption date. Remove references that indicate that revision of the Redevelopment Plan is necessary to achieve compliance (Applicant to confirm that this is the case).
2. All roof space proposed for active use, if any, shall be reflected in the proposed development tables.
3. The proposed parking counts rely upon a parking reduction (relative to the standard) based upon utilization of the State of New Jersey Electric Vehicle space credit. This credit, mandated by State regulations, is subject to change in the future. Any State-mandated credits for parking that are not explicitly part of the Redevelopment Plan in effect at the time of application shall be governed by the State regulations at the time of the application. Approval of this GDP application, if granted, does not entitle the applicant to any State-mandated credits that presently exist, should they be rescinded by the State in the future.

## ZONING COMPLIANCE

Watermen defers to the Board's Consulting Planner for an analysis of the application's compliance with the Redevelopment Plan's zoning standards.

## OPEN SPACE ADEQUACY

The Applicant does not propose any changes in the amount of open space within the Subject Area, relative to the Original GDP approval. The Applicant should provide testimony concerning the adequacy of the proposed open space, considering the substantial increase in density that is also proposed. The Applicant shall also provide testimony confirming that it intends to develop the open spaces at its own expense and whether it will be responsible for operation and maintenance.

## COMMUNITY IMPACT

The GDP ordinance requires that the Planned Development not have an unreasonably adverse impact upon the area in which it is proposed to be established. The Applicant has provided a traffic impact evaluation concerning the anticipated positive/negative impacts upon the community and has proposed improvements and investments that would mitigate those impacts.

The extent of improvements necessary to avoid an unreasonable impact upon the area can, in some cases, be known at this time (e.g. street grid/open space construction, remediation of existing traffic issues, etc.). However, the necessity and scope of the totality of necessary improvements cannot be known at this time due to the rapidly changing dynamics of development in the City and uncertainty regarding future conditions (e.g. availability of water supply, expansion of the Cape Liberty Cruise Port, Rte. 440 traffic conditions, availability of public school capacity, light rail capacity, etc.).

Considering the magnitude of the proposed development and the above-referenced uncertainty about future conditions, I offer the following specific recommended conditions of approval.

### Traffic

- Approval of any development identified in this General Development Plan shall not be eligible for planning board approval unless traffic conditions at all intersections on the Peninsula at Bayonne Harbor (inclusive of intersections with Route 440) are operating at



service Level D or better at the time of application, as determined by the City's traffic professional.

- No application for development that, in the opinion of the City's traffic professional, would cause traffic conditions at any intersection on the Peninsula at Bayonne Harbor to operate at a level of service worse than Level D shall be eligible for Planning Board approval unless the application for development is accompanied by proposed traffic improvements that would prevent such a condition.
- All applications for development shall satisfy the traffic impact requirements of the Harbor Station South Redevelopment Plan, as amended.

It is noted that the Applicant's Traffic Impact Evaluation identified existing traffic issues on the Peninsula at Bayonne Harbor as well as aggravation of traffic problems that would occur as a result of the Subject GDP proposal and other development on the Peninsula if no traffic improvements are made. The Evaluation, which utilizes the Traffic Impact Analysis of the Companion GDP Application as its primary reference, goes on to identify a range of improvements that can be implemented to mitigate those problems (e.g. road widening, traffic signals/timing, etc.).

There are some concerns and/or disagreements that I have with the assumptions, analysis and conclusions of the Traffic Impact Evaluation; however, the analysis provides a reasonable estimation of future conditions. Considering the relatively long implementation time for the GDP development along with the uncertainty associated with future conditions, I recommend that the Board only consider the submitted Traffic Impact Evaluation as an advisory document and that all obligations of redevelopers to construct and/or pay their fair share of necessary on or off site traffic improvements be based upon robust traffic impact analyses prepared at the time of each project's site plan application. The criteria for determining required on- or off-site improvements shall satisfy the bulleted items specified above.

#### Utility service

- The City of Bayonne provides water and sanitary sewer service for the subject area. Sewer service is limited by the combined sewer system's "wet weather" capacity. Therefore, any sanitary sewage that would be generated from future development in the Subject Area during wet weather periods when the system is unable to accommodate the sewage generated from the development must be stored on-site until the system is able to accommodate the demand.
- The City cannot ensure that sufficient water capacity will be available to service the development contemplated in the GDP application without additional investment in City water supply infrastructure. The Applicant shall be responsible for its fair share of costs necessary to provide adequate water supply for the development proposed in the GDP.
- The availability of adequate electric power to service the entirety of development proposed in the GDP does not presently exist. The Applicant shall be solely responsible for providing electrical service for its development activities.

### Refuse / recycling

- All refuse and recycling collection shall be performed by private haulers and not at the expense of the City.

### Schools

- The Applicant shall, in good faith, work with the City and the Board of Education to identify a site within the Subject Area where a public school can be integrated into the lower floors of a proposed building.

## PHASING

The Applicant proposes a detailed, 6-phase plan for implementation of the proposed redevelopment in accordance with the requirements of the Redevelopment Plan. Concerns with three elements of the Phasing Plan are addressed below:

### Parking

The Applicant proposes to comply with necessary parking requirements throughout the phased implementation of the plan. Unlike the Original GDP Phasing Plan, the Applicant does not identify the use of surface parking for phasing purposes. The Applicant should provide testimony that it will provide all required parking for each development as structured parking within the building that it services.

### Staging

The Applicant shall identify if it intends to use adjacent, undeveloped lots for construction staging.

### Open Space

The Applicant's proposes to delay construction of the open space area on Lot 1.14 (adjacent to the existing fire house) until Phase 2. This open space area is an independent lot that, if developed earlier in the phasing, would have no impact upon the ability to construct on other lots. It should be advanced in the phasing schedule.

### Schedule

The Applicant shall provide testimony concerning the feasibility of the proposed schedule and whether the noted durations are cumulative, or whether construction on multiple phases will occur at the same time.

As a general note on the GDP, I recognize that market and other conditions may change over time and that the phasing and/or design of buildings proposed herein may not be realized as proposed. I recommend that the Board acknowledge that the GDP may change over time and require that each Site Plan application submitted relative to this application be accompanied by revised GDP plans if the phasing, schedule and/or building design outlook has changed.

## **ENGINEER'S SUMMARY & RECOMMENDATIONS FOR CONDITIONS OF APPROVAL**

I find that the proposed GDP is feasible, consistent with the Redevelopment Plan's engineering considerations, and would not cause an unreasonably adverse impact on the area provided that all necessary substantial investments in public infrastructure are made. The necessity and obligations for public infrastructure shall be determined with robust analysis at the time of each Site Plan application.

This assessment is agnostic with respect to the financial and legal responsibilities for constructing the infrastructure improvements necessary to satisfy the "unreasonably adverse impact" criteria. I only recommend that the necessary infrastructure be obligated as a condition of each planning board approval for development contemplated in this GDP, regardless of what entity pays for, constructs, and/or operates the necessary improvements.

As a condition of approval, I recommend that the Applicant satisfy all comments and conditions specified in this report.

Thank you for your attention to this matter.

Sincerely,



Andy Raichle, P.E.  
Principal

AWR