



MEMORANDUM

Clarke Caton Hintz

Architecture
Planning
Landscape Architecture

100 Barrack Street
Trenton NJ 08608
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

To: City of Bayonne Zoning Board of Adjustment

From: TRC Committee
James Clavelli, PP, AICP
Robert Russo, PE, City Engineer's Office
Richard N. Campisano, Esq., Board Attorney
Alicia Losonczy, Land Use Administrator
Tracey Tuohy, Zoning Officer
Suzanne Mack, PP, AICP, CTP, FITE, AHP, Bayonne City Planner
Joseph Skillender Jr., Esq., Director of the Department of Planning,
Zoning, and Development

Re: **Duke Realty Bayonne Urban Renewal, LLC**
Preliminary and Final Site Plan, Bulk Variances
TRC 23-633 Meeting Report
Block 478, Lots 1, 1.01
Block 466, Lots 1, 2, 3, 4
Block 465, Lot 9
E 22nd Street and Avenue J
Central Constable Hook Redevelopment Plan Area

Date: July 14, 2023

1. TRC MEETING DESCRIPTION

- 1.1. **Purpose of Report.** This report constitutes a TRC summary and, at the request of the applicant, a variance review. Section 1 lists the general information regarding the application. Section 2 details the relief necessary as the plan is currently designed.
- 1.2. **Meeting Information.** The applicant, Duke Realty Bayonne Urban Renewal, LLC, and their professionals met with the Technical Review Committee on Wednesday, March 8th at 10:00 AM in a virtual meeting utilizing Microsoft Teams. The application number is TRC-23-633.
- 1.3. **Materials Reviewed.** The following documents were submitted prior to the meeting and reviewed by the TRC:

John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP



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- *Application Form*, dated April 18, 2023.
- *Statement of Applicant*, undated.
- *Architectural Drawings – Building 1*, 6 sheets, prepared by M+H Architects, dated April 20, 2023.
- *Architectural Drawings – Building 2*, 3 sheets, prepared by M+H Architects, dated April 20, 2023.
- *Architectural Drawings – Building 3*, 2 sheets, prepared by M+H Architects, undated.
- *Architectural Drawings – Building 4*, 2 sheets, prepared by M+H Architects, undated.
- *Architectural Drawings – Building 5*, 2 sheets, prepared by M+H Architects, undated.
- Preliminary and Final Major Site Plan for Prologis Bayonne, 70 sheets, prepared by Joseph D. Hanrahan, PE, Hammer Land Engineering, dated March 18, 2022, revised to April 14, 2023.

2. VARIANCE REVIEW – REDEVELOPMENT PLAN

- 2.1. **Relief May be Augmented by Review of Other Professionals:** This variance review is prepared at the request of the applicant. The relief required may be augmented by other Professionals during the review process or the Board upon the presentation of testimony.
- 2.2. **Variance Review Will Not Include Design Recommendations.** review will indicate conformance with the Redevelopment Plan. As this is not a full technical review, this will not contain design recommendations that may be present in the technical review when the application is scheduled for a hearing.
- 2.3. **Underlying Zoning.** The application is subject to the *Redevelopment Plan: Former Exxon and Bayonne Industries/IMTT* which supersedes the underlying zoning. The plan provides zoning regulations and design sections in Section 2 of the Plan.
- 2.4. **Developed as One Site or Multiple Sites.** The proposed development is spread over several buildings and three lots. It appears that the site will operate in a unified manner based on the narrative provided with the application. It is permitted under the Redevelopment Plan for the site/buildings to operate holistically or separately. However, as concerns certain requirements, for



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example the electric vehicle parking requirement, standards can differ depending on whether the site/buildings operate holistically or separately.

This review will operate under the assumption that the site will operate holistically, as this is the more conservative approach with the strictest requirements. If the applicant indicates otherwise prior to Board submission either in writing or through a revision to the plan, subsequent technical reviews will interpret the application accordingly.

- 2.5. **Permitted Uses.** §2.2.1 indicates several permitted uses in the redevelopment area, including warehouse distribution facilities. All proposed buildings are warehouse distribution facilities. The plan complies.
- 2.6. **Permitted Accessory Uses.** §2.2.1 indicates several permitted accessory uses, including guard house(s), outdoor staging of materials and containers, business offices and administrative support space, off-street parking including truck trailer parking, fences and walls, signs, lighting, utilities, refuse enclosures and bike racks. Those listed above are proposed by the applicant. The plan complies.
- 2.7. **Bulk Regulations and Standards.** The bulk standards in the Redevelopment Area are found in §2.3 of the Redevelopment Plan. The applicant should clarify the bulk requirements indicated below. All relevant bulk standards can be found in Table 1.
 - 2.7.1. **Buffer From East 22nd Street.** Per §2.3, the minimum required buffer from the East 22nd Street right-of-way is 10 ft. in width. While it appears that the plan complies, the buffer width is not delineated. The plan should delineate the buffer width, either on the site plan or landscape plan, and the buffer should be composed as defined in §6.2.
 - 2.7.2. **Buffer From Avenue J.** Per §2.3, the minimum required buffer from the Avenue J right-of-way is 10 ft. in width. While it appears that the plan complies, the buffer width is not delineated. The plan should delineate the buffer width, either on the site plan or landscape plan, and the buffer should be composed as defined in §6.2.
 - 2.7.3. **Buffer from New Hook Road.** Per §2.3, the minimum required buffer from the New Hook Road right-of-way is 10 ft. in width. While it appears that the plan complies, the buffer width is not delineated. The plan should delineate the buffer width, either on the site plan or landscape plan, and the buffer should be composed as defined in §6.2.



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2.7.4. **Setback from Existing Storage Tanks.** per §2.3, the minimum required buffer from the existing storage tanks is that which is required pursuant to NFPA regulations. The plan should be updated to indicate the setback and relevant NFPA regulations should be indicated on the plan. This office defers to the Board Engineer as to whether the proposed buildings conform to NFPA regulations.

Table 1: §2.3 –Bulk Regulations				
	Standard	Existing	Proposed	Complies?
Overall Site				
Minimum Lot Area	2 Acres	121.5	No change	Yes
Maximum Building Coverage	80%	N/A	35.7%*	Yes
Maximum Lot Coverage	90%	N/A	74%*	Yes
Buffer from East 22nd Street	10 ft.	N/A	?	?
Buffer from Avenue J	10 ft.	N/A	?	?
Buffer from New Hook Road	10 ft.	N/A	?	?
Setback from Existing Storage Tanks	**	N/A	?	?
Building 1				
Max. Building Height	180 ft.	N/A	52 ft.	Yes
Min. Setback from Conrail R-O-W	10 ft.	N/A	115 ft.	Yes
Min. Setback from East 22 nd Street	10 ft.	N/A	1,135 ft.	Yes
Min. Setback from Avenue J	10 ft.	N/A	1,135 ft.	Yes
Min. Building Separation	30 ft.	N/A	450 ft.	Yes
Building 2				
Max. Building Height	180 ft.	N/A	52 ft.	Yes
Min. Setback from Conrail R-O-W	10 ft.	N/A	233 ft.	Yes
Min. Setback from East 22 nd Street	10 ft.	N/A	436 ft.	Yes
Min. Setback from Avenue J	10 ft.	N/A	511 ft.	Yes
Min. Building Separation	30 ft.	N/A	110 ft.	Yes
Building 3				
Max. Building Height	180 ft.	N/A	52 ft.	Yes



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Min. Setback from Conrail R-O-W	10 ft.	N/A	470 ft.	Yes
Min. Setback from East 22 nd Street	10 ft.	N/A	72 ft.	Yes
Min. Setback from Avenue J	10 ft.	N/A	84 ft.	Yes
Min. Building Separation	30 ft.	N/A	110 ft.	Yes
Building 4				
Max. Building Height	180 ft.	N/A	51 ft.	Yes
Min. Setback from Conrail R-O-W	10 ft.	N/A	490 ft.	Yes
Min. Setback from East 22 nd Street	10 ft.	N/A	89 ft.	Yes
Min. Setback from Avenue J	10 ft.	N/A	100 ft.	Yes
Min. Building Separation	30 ft.	N/A	64 ft.	Yes
Building 5				
Max. Building Height	180 ft.	N/A	51 ft.	Yes
Min. Setback from Conrail R-O-W	10 ft.	N/A	142 ft.	Yes
Min. Setback from East 22 nd Street	10 ft.	N/A	461 ft.	Yes
Min. Setback from Avenue J	10 ft.	N/A	478 ft.	Yes
Min. Building Separation	30 ft.	N/A	64 ft.	Yes
<i>*Based on net track area, excluding riparian lands.</i>				
<i>**New development shall be setback from existing bulk liquid storage tanks pursuant to NFPA regulations.</i>				

2.8. **Parking Regulations.** Parking space requirements are indicated in §2.4.1 of the Plan. Parking requirements are indicated by use. The proposed principal use for each building is warehousing, for which the standard is 1 space per 3,000 sf. of warehouse space. The following table, Table 2, indicates conformance of each of the 5 buildings with the warehousing parking standard.

	Standard	Building Size	Spaces Req.*	Spaces Provided	Complies?
Building 1	1/3,000 sf.	1,076,579 sf.	359	392	Yes
Building 2	1/3,000 sf.	151,613 sf.	51	148	Yes
Building 3	1/3,000 sf.	124,496 sf.	42	104	Yes
Building 4	1/3,000 sf.	110,245 sf.	37	128	Yes
Building 5	1/3,000 sf.	219,947 sf.	74	160	Yes



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Total	563	932	Yes
<i>*Spaces required are all rounded up to nearest whole number.</i>			

2.9. **EV Parking Requirements from the State of New Jersey.** Pursuant to C.40:55D-66.20.3(3).b(2)(e), for parking lots with greater than 150 off-street parking spaces, 4% of the spaces are required to be “make-ready” spaces, 5% of which shall be barrier-free spaces. The site may utilize full electric vehicle spaces rather than “make-ready” spaces to meet the requirement. **As indicated in §2.2 of this report, this site is being reviewed holistically, and as such the plan does not comply. In order to receive preliminary site plan approval, the site must contain the required number of “make ready” or EV parking spaces. As this is a State requirement, the Board is unable to grant relief from this requirement.**

Table 3: Electric Vehicle Parking Requirement							
	Standard	Spaces Provided	EV Req.	EV Prov.	Barrier Free Req.	Barrier Free Provided*	Complies?
Building 1	4%	392	16	16	1	1	-
Building 2	4%	148	6	4	1	1	-
Building 3	4%	104	4	4	1	1	-
Building 4	4%	128	5	4	1	1	-
Building 5	4%	160	6	7	1	1	-
Total		932	37	35	5	5	No
<i>*Barrier free spaces are not additional, rather it is the number of EV spaces provided that are barrier-free.</i>							

2.10. **Vehicle Parking Stall Dimensions.** Pursuant to §2.4.2a, the required parking stall size for standard spaces shall be a minimum of 8.5 feet wide by 18 feet deep. All standard parking spaces are 9 feet wide by 18 feet deep, which complies. The applicant is not proposing any compact parking spaces.

2.11. **Barrier Free Parking Space Dimensions.** Pursuant to §2.4.2c, barrier free spaces are to be provided in accordance with the American with Disabilities Act (ADA).



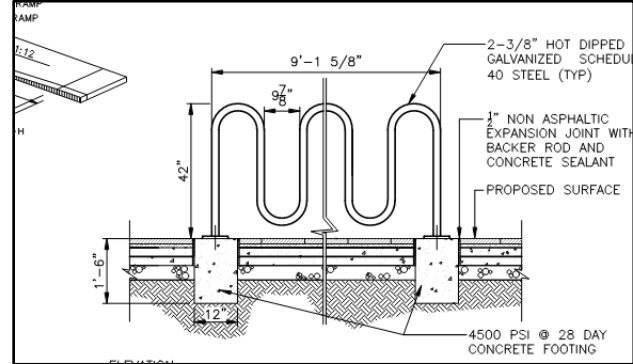
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Standards for ADA parking can be found at the U.S. Department of Justice: Civil Rights Division ADA website¹ and are included herein:

- 2.II.1. Parking lots with 501 – 1,000 parking spaces are required to develop 2% of all spaces as ADA spaces. The applicant proposes 932 spaces, requiring 19 barrier free spaces. 32 barrier-free spaces are provided. The plan complies.
- 2.II.2. Van accessible spaces are required to be 132 inches wide with a 60 inch wide access aisle. All van accessible spaces comply and are 11 feet wide with 60 inch wide access aisles.
- 2.II.3. Car accessible spaces are required to be 96 inches wide and contain a 60 inch wide access aisle. The car accessible spaces are all 96 inches wide and contain a 60 inch wide access aisle. The plan complies.

2.I2. **Bicycle Parking.** Pursuant to §2.4.4, all development shall include provisions for bicycle storage. These shall be in the form of outdoor bike rack(s) or indoor bicycle storage lockers. There shall be a minimum of one bicycle parking space for every 50 car parking spaces. 932 parking spaces are proposed, necessitating 19 bicycle parking spaces. 72 bicycle parking spaces are provided. The form of bike rack is indicated on sheet 59 of the plan, as included herein. The plan complies.



2.I3. **Public Improvements.** Matters relating to public improvements as required by §2.5.1 are deferred to the Board Engineer.

2.I4. **Site Access.** Pursuant to §2.5.2, site access is limited to the following:

¹ U.S. Dept. of Justice: Civil Rights Division, ADA Website, <https://www.ada.gov/topics/parking/>, accessed 7/13/23.



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- 2.14.1. Five curb cuts are permitted on East 22nd Street. Three curb cuts are proposed on East 22nd Street. The plan complies.
- 2.14.2. Two curb cuts are permitted on Avenue J. One curb cut is proposed on Avenue J. The plan complies.
- 2.14.3. One curb cut is permitted on New Hook Road. One curb cut is proposed on New Hook Road. The plan complies.
- 2.14.4. Adjacent lots are permitted an unlimited number of curb cuts. No curb cuts are proposed with adjacent lots, the plan complies.
- 2.14.5. Along the Conrail parcel, *“The minimum number of at-grade vehicular crossings of Conrail necessary to establish interconnectivity of access between the Former Exxon and Bayonne Industries/IMTT Parcels. Unlimited inter-rail crossings necessary to maintain or supplement rail service. All crossings subject to Conrail approval.”* **The plan indicates one curb cut through the Conrail parcel at the intersection of Buildings 1, 2 and 5. The table located on sheet 2 indicates that there are two curb cuts – those this may refer to the one curb cut being associated with multiple lots/buildings. The applicant should clarify the number of curb cuts. Proof of Conrail approval should be required to the Planning Board as a condition of any approval.**
- 2.15. **Buildings.** Pursuant to §2.5.3, buildings are required to meet the following five requirements:
- 2.15.1. The design of all buildings and landscaping within the Redevelopment Area shall be considerate of the site’s location. The site is located in an industrial section of the City. Neighboring properties consist of industrial and commercial uses, as well as bulk liquid storage tanks. The proposed buildings are warehouses with a modern, attractive design that will complement the industrial nature of the area. The proposed landscaping will soften the industrial feel of the area, provide shade, and create a more attractive environment when viewed from beyond the property line. The plan complies.
- 2.15.2. All buildings facades shall be designed to be attractive from each vantage point and be consistent in the quality and finish on all elevations. The facades shall be of the level of quality indicated in Figure 3 of the Plan. The applicant provided five architectural drawings, one for each building. Each set of drawings includes color elevations (and renderings for buildings 1 and



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2). These show large, rectilinear buildings with off-white and gray exteriors and modern, dark glass windows. The buildings are simple while being modern and neat, which is typical of warehouse and industrial uses. The plans also match Figure 3 exactly. The plan complies.

2.15.3. All buildings shall be designed such that main entrances face streets, access roads and/or parking areas. The plan complies. Building 1 has entrances that lead to parking areas. Building 2 has an entrance that fronts on an access road. Building 3 has an entrance that faces East 22nd Street, and Building 4 has an entrance facing Avenue J/East 22nd Street. Building 5 has an entrance that faces a parking area. The plan complies.

2.15.4. Entrances shall be designed to be attractive and functional. The entrances are all nearly identical. They contain gray and off white paneling around dark gray/black modern glazed entrances with rectilinear glass doors as indicated in the image included herein. They also contain a modern cornice that provides attractive articulation. For industrial/warehouse uses, these functional, modern entrances are attractive. The plans comply.



2.15.5. A three-dimensional rendering and a colored elevation rendering shall be submitted during site plan application. This should provide a rendered depiction of the proposed building along with the proposed color palette. The applicant is proposing five buildings, however, renderings are only provided for buildings 1 and 2. This may be because the buildings are similar in design and style, and as indicated, the recommended design in the Redevelopment Plan is the exact design provided by the applicant. **The Board may require renderings of each proposed building. As this is a requirement of the Redevelopment Plan, variance relief may be required for the missing renderings for buildings 3, 4 and 5.**

2.16. **Green Infrastructure and Sustainability.** Per §2.5.4, all buildings are required to demonstrate that they meet the requirements for LEED certification or equivalent, though said certification is not required. The applicant indicates that the proposed warehouses are “solar ready”, however, additional information or



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testimony is required to determine if the plan will meet LEED or equivalent standard. **As this is a requirement from the Redevelopment Plan, any deviation would require variance relief from the Board.**

- 2.17. **Loading.** Loading requirements, per §2.5.5 are limited to the following: All loading shall be within the confines of the tract; Cross-docking shall be permitted, and; Drive-in ramps and drive-in loading doors shall be permitted. All loading spaces are located within the tract. The plan complies.
- 2.18. **Fences and Walls.** Pursuant to §2.5.6, the only requirement for fencing is that security fencing is to consist of black vinyl clad chain link that is no higher than eight feet and that there shall be no barbed wire on the fencing. The security fences are eight feet in height and composed of black vinyl clad chain link with no barbed wire. The plan complies.

§2.5.6 explicitly states that there are no setback requirements for walls or fences, that retaining walls shall not have a maximum permitted height, that gates are permitted (with no height requirement specified) and that security measures necessary to comply with federal requirements shall not require relief. Thus the retaining walls and fences are all conforming.

- 2.19. **Site lighting.** Per §2.5.8, free-standing lighting fixtures shall be no higher than 40 feet above grade, nor shall they produce more than 1.0 footcandle of illumination at property lines. Lights shall be metal halide, LED or other white light source, and flood lights are permitted.

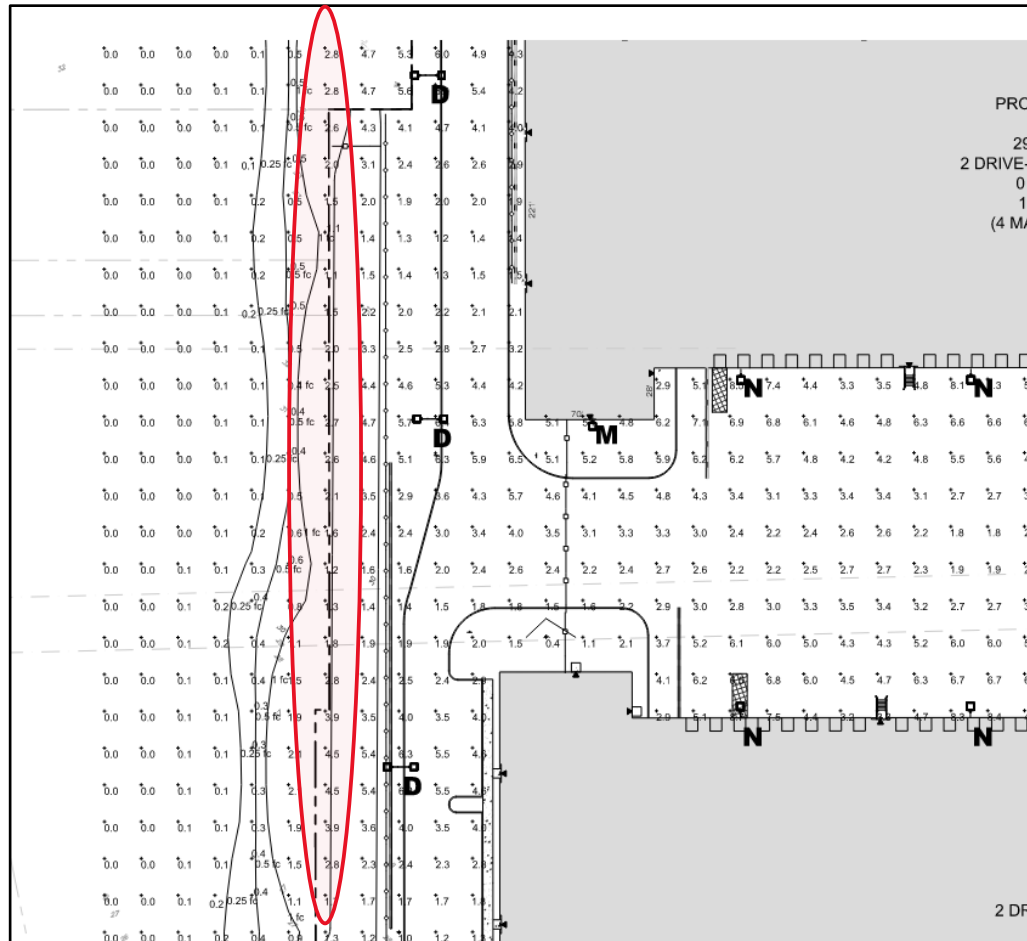
153 lights are proposed, all of which are 35 feet in height, excepting three lights which are 20 feet in height. All proposed lights are LED.

As indicated in the image on the following page, it does appear that the property boundary to the west of buildings 2 and 3 has light spillage in excess of one footcandle. This may be for security reasons, which is permitted, however testimony to that effect is required. **The applicant will require variance relief unless testimony or other information submitted indicates that this is a security requirement.**



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2.20. Refuse and Recycling. The plan has two requirements relating to refuse and recycling:

2.20.1. All refuse and recycling storage shall be handled and disposed by private entities, not by municipal services. As a condition of any approval, the applicant should provide proof of contract with a private hauler.

2.20.2. All refuse and recycling, including compactors, shall be within a fully enclosed building, or if outside, screened within a minimum 6-foot high enclosure, or contained in a trailer court. 14 trash compactors, all of which are within a trailer court. The plan complies.

2.21. Buffers. Buffers fronting on East 22nd Street or Avenue J require a 10-foot wide landscaped buffer. The buffer shall be composed of street trees and evergreen



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trees. Utilities, signs, walls and fences are permitted within the buffers. The buffer composition is compliant, however, as indicated in Table 1, the required buffers should be delineated on the site plan.

- 2.22. **Water Dependent Use.** §2.5.11 contains standards relating to maintaining the waterfront portion of the Redevelopment Area as a water dependent use. This standard requires input from other professionals, including but not limited to the Board and Redevelopment Engineer. As such, this memorandum will defer this discussion to the technical review phase of the application.
- 2.23. **Public Access to the Waterfront.** §2.5.12 contains standards relating public access to the waterfront portion of the Redevelopment Area. This standard requires input from other professionals, including but not limited to the Board and Redevelopment Engineer. As such, this memorandum will defer this discussion to the technical review phase of the application.
- 2.24. **Recreational Space.** §2.5.13 contains standards relating to the requirement for recreational space in the Redevelopment Area. This standard requires input from other professionals and City officials. As such, this memorandum will defer this discussion to the technical review phase of the application.
- 2.25. **Solar Power Generation.** §2.5.14 indicates that all warehouse development is required to comply with New Jersey State regulations requiring new warehouses of 100,000 sf. or more of area be “solar-ready”, securing 40 percent of roof space for solar arrays. All proposed buildings are warehouses greater than 100,000 sf. The applicant indicates that all warehouse roofs are designed to be solar ready as required by Statute. The plan complies.
- 2.26. **Utilities.** Compliance with utility requirements pursuant to §2.5.15 are deferred to the Board Engineer.
- 2.27. **Green Roofs.** Green roofs are not required, and regulations relating to green roofs found in §2.5.16 only apply if green roofs are proposed, which they are not.
- 2.28. **Signs.** Pursuant to §2.5.17, the following sign regulations apply:
- 2.28.1. Ground signs. A maximum of one ground sign shall be permitted at each street. These shall have a maximum area of 200 sf and a maximum height of 10 feet above proposed ground surface. Multiple nameplates are permitted on a ground sign. The sign area for the ground signs is 50 sf. Six ground signs are proposed, necessitating a variance. The applicant indicates



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that eight are proposed, and requests a variance for the number proposed, however, during review, the final two ground signs were not found. **Variance relief is required for the number of signs. Additional relief is required as the proposed signs are 10 feet and three inches in height. The proposed signs are attached to a base that is three inches tall, and the sign height is measured from the ground surface.**

2.28.2. Building signs. A max. of one building sign per tenant shall be permitted on each façade, which not exceed 300 sf. per sign. No building sign shall have a dimension greater than 30 ft. Five façade signs are proposed, one per building. The longest dimension for any of the signs is 11.33 ft., and the sign area for each is 67.8 feet, which is permitted. The plan complies.

2.28.3. Directional signs. Directional signs shall be permitted to facilitate wayfinding, not to exceed ten sf. in area, nor ten feet in height. Directional signs are 5 feet and 10 inches tall with an area of 9.09 sf. The plan complies.

2.28.4. Signs may be internally illuminated, externally illuminated or halo-lit. The proposed signs are not illuminated.

2.29. **Affordable Housing.** Pursuant to §2.5.18, the applicant is required to pay any affordable housing fees required by any State or other regulatory obligations as set forth by law or in the Redevelopment Agreement between the City and the designated Redeveloper.

3. SUMMARY OF VARIANCE REVIEW

3.1. Additional Information Required.

3.1.1. Buffers should be delineated.

3.1.2. Testimony required regarding compliance with NFPA.

3.1.3. Clarification regarding EV parking requirements and whether this should be viewed as one site or multiple sites.

3.1.4. Proof of permission from Conrail regarding curb cuts.

3.1.5. Building designed to meet LEED or equivalent standard.

3.2. Variance Relief Required.



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- §2.5.3 – Rendering of buildings 3, 4 and 5.
- §2.5.4 – Proof of design to meet LEED or equivalent standard.
- §2.5.8 – Site lighting at property boundary.
- §2.5.17 – Number of ground signs.
- §2.5.17 – Height of ground signs.

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