

**NOTICE: WAIVER REQUESTS MADE IN CONNECTION WITH THIS APPLICATION FOR DEVELOPMENT MUST BE SO INDICATED AND WRITTEN JUSTIFICATION OF THE REQUEST MUST BE PROVIDED.**

**APPLICATION FORM**

**TYPE OF APPROVAL REQUESTED:**

<input checked="" type="checkbox"/> Site Plan (Phase 3)	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Development Permit
<input type="checkbox"/> Waiver	<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Development Permit Waiver
<input type="checkbox"/> Minor	<input type="checkbox"/> Sketch Plat	<input type="checkbox"/> Conditional Use
<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Unimproved Road
<input checked="" type="checkbox"/> Final	<input type="checkbox"/> Final	<input checked="" type="checkbox"/> Major Site Plan
<input type="checkbox"/> Certificate of Nonconformity		

Variances: Use [ ] Bulk (c) [ X ] (a) [ ] (b) [ ]

1. Location of proposed development South side of the peninsula at Bayonne Harbor  
Overall Property: Block 821, Lot 1; Block 822, Lot 1; Block 823, Lot 1; Block 824, Lots 1 & 2; Block 825, Lots 1 & 2; Block 826, Lot 1; Block 827, Lot 1; Block 828, Lot 1; Block 829, Lot 1; and Block 830, Lot 1  
Block 820 Lot(s) 1 Zone District Bayonne Bay West Redevelopment Area  
Proposed use 78 multi-family residential units, comprising Phase 3 of the Bayonne Bay redevelopment.  
Lot Area 2.258 acres Building area (sq. ft total) 47,660 sq. ft. overall; 142,980 sq. ft.  
Number of off-street parking spaces 175  
Area (in feet) of any adjoining property controlled by owner N/A (Phases 1 and 2 of Bayonne Bay redevelopment are separated by a public right-of-way)

2. Name of Applicant: Bayonne Bay Developers Urban Renewal, LLC Phone No. (732) 750-1111  
Address: 90 Woodbridge Center Drive, Suite 600, Woodbridge NJ 07095  
E-mail: JTenenbaum@AtlanticRDC.com  
Name of Owner: same as applicant Phone No. \_\_\_\_\_  
Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

**3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:**

Applicant's Attorney Steven J. Tripp, Esq.  
Wilentz, Goldman & Spitzer, P.A.  
Address 90 Woodbridge Center Drive, Suite 900, Woodbridge NJ 07095  
Telephone Number (732) 855-6076 Fax Number (732) 726-6524  
E-mail Address stripp@wilentz.com

Applicant's Engineer Craig Hermann, P.E., P.P., C.M.E., Paulus, Sokolowski and Sartor, LLC  
Address 3 Mountainview Road, P.O. Box 4039, Warren, NJ 07059  
Telephone Number (732) 560-9700 Fax Number \_\_\_\_\_  
E-mail Address chermann@psands.com

Applicant's Planning Consultant N/A  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_

Applicant's Traffic Engineer N/A  
Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_

4. List any other expert who will submit a report or who will testify for the Applicant: *[Attach additional sheets as may be necessary]*

Name David Loeffler, Ecolsciences, Inc.  
Field of Expertise Environmental  
Address 75 Fleetwood Drive, Suite 250, Rockaway, NJ 07866  
Telephone Number (973) 366-9500 Fax Number: (973) 366-9593  
E-mail Address: DLoeffler@ecolsciences.com

Name Mark A. Berkowsky, AIA, Berkowsky and Associates, Inc.  
Field of Expertise Architecture  
Address 2551 Route 130 South, Cranbury, NJ 08512  
Telephone Number (609) 655-2400 Fax Number: (609) 655-9790  
E-mail Address: mberkowsky@berkowsky.com

**All reports prepared in support of testimony should be submitted ten (10) days in advance of the public hearing.**

5. Attach a detailed explanation (*Statement of the Applicant*) of the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises.

6. Attach a copy of the proposed Notice to appear in the Jersey Journal / Star Ledger and to be mailed to the owners of all real property as shown on the property list obtained from the Tax Assessor, of the homeowners within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

**The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Board Secretary for the hearing.**

An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

7. Dates and types of prior development applications for this property:

General Development Plan Approval, memorialized by resolution dated July 12, 2016  
Preliminary and Final Subdivision Approval, Preliminary Site Plan Approval, and Final Site Plan Approval for Phase 1, memorialized by resolution dated September 12, 2017  
Final Site Plan Approval for Phase 2, memorialized by resolution adopted July 14, 2020

Type of Use Proposed: \_\_\_\_\_ Change in occupancy utilizing existing facilities  
\_\_\_\_\_ Addition(s) or expansion of existing facilities  
X \_\_\_\_\_ All new construction  
\_\_\_\_\_ Site work only  
\_\_\_\_\_ Other

Present (or previous) use: Phase 3 is vacant land

Proposed use: multi-family residential

Number of Employees N/A Business hours N/A

**PROPERTY INFORMATION:**

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

Yes [attach copies] \_\_\_\_\_ No X Proposed \_\_\_\_\_

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of the premises: vacant land

Is a public water line available? yes

Is public sanitary sewer available? yes

Are any off-tract improvements required or proposed? no

Is the subdivision to be filed by Deed or Plat? N/A

What form of security does the applicant propose to provide as performance and maintenance guarantees? 90% by surety bond or letter of credit as permitted by law; 10% by a certified check

Other approvals, which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Passaic Valley Sewage Commissioners	<u>x</u>	<u>    </u>	<u>                    </u>
Bayonne Municipal Utilities Authority	<u>x</u>	<u>    </u>	<u>                    </u>
<u>            </u> Bayonne/Hudson County Health Dept.	<u>    </u>	<u>x</u>	<u>                    </u>
<u>            </u> Hudson County Planning Board	<u>x</u>	<u>    </u>	<u>                    </u>
<u>            </u> Hudson County Soil Conservation District	<u>x</u>	<u>    </u>	<u>                    </u>
NJ Department of Environmental Protection	<u>    </u>	<u>    </u>	<u>                    </u>
Sewer Extension Permit (TWA)	<u>    </u>	<u>x</u>	<u>                    </u>
Sanitary Sewer Connection Permit	<u>x</u>	<u>    </u>	<u>                    </u>
Stream Encroachment Permit	<u>    </u>	<u>x</u>	<u>                    </u>
Waterfront Development Permit	<u>    </u>	<u>x</u>	<u>                    </u>
Water Extension Permit	<u>    </u>	<u>x</u>	<u>                    </u>
Wetlands Permit	<u>    </u>	<u>x</u>	<u>                    </u>
Tidal Wetlands Permit	<u>    </u>	<u>x</u>	<u>                    </u>
Other (specify) <u>                                    </u>	<u>    </u>	<u>    </u>	<u>                    </u>
NJ Department of Transportation	<u>    </u>	<u>x</u>	<u>                    </u>
Public Service Electric & Gas Company	<u>    </u>	<u>x</u>	<u>                    </u>

**DISCLOSURE STATEMENT**

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. [Attach pages as necessary to fully comply.]

Name Jack Halpern Address 90 Woodbridge Center Drive, Suite 600 Interest >10%  
Woodbridge, NJ 07095

Name Rachel Halpern Address 90 Woodbridge Center Drive, Suite 600 Interest >10%  
Woodbridge, NJ 07095

Bayonne Bay Developers Urban Renewal, LLC

Applicant's Signature(s)   
 By: Jack Halpern, Managing Member.

**VARIANCE RELIEF**

1. Application is hereby made for:

\_\_\_\_\_ Hardship or practical difficulties (See N.J.S.A. 40:55D-70c)

\_\_\_\_\_ Use and/or structure (See N.J.S.A. 40:55D-70d)

2. Property Description:

Lot size 2.258 acres Size of Building: 47,660 s.f. footprint; approximately 142,980 s.f. total floor area No. of stories: 3

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested)* : Section 2.6.2 of the Bayonne Bay West Redevelopment Plan

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for the purpose of providing 93% impervious coverage, where 90% is permitted

4. If this application includes both a use variance and either a site plan, subdivision, flood plain permit or conditional use relief, then indicate which of the following is presently being sought by the applicant:

\_\_\_\_\_ Applicant is presently only seeking the use variance with the subsequent relief to be considered following the granting of the use variance (bifurcate the application).

\_\_\_\_\_ Applicant is presently seeking all of the necessary relief.

5. Has there been a previous variance appeal or approval of any development application, i.e., site plan, subdivision or conditional use involving the premises? X Yes \_\_\_ No

If so, attach copies of previous approvals and/or state the date, application number, character of appeal and disposition:

General Development Plan Approval, memorialized by resolution dated July 12, 2016  
Preliminary and Final Subdivision Approval, Preliminary Site Plan Approval, and Final Site Plan Approval for Phase 1, memorialized by resolution dated September 12, 2017  
Final Site Plan Approval for Phase 2, memorialized by resolution adopted July 14, 2020

6. If the application is made for a bulk variance, explain the following:

How will the strict application of the provisions of the ordinance result impractical difficulties or hardship inconsistent with the general purpose or intent of the ordinance?

See Rider attached

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What are the exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property which do not apply generally to other properties in the same zone or neighborhood?

See Rider attached

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Explain what efforts have been made by the applicant to acquire adjoining lands so as to reduce the extent of the variance or eliminate the necessity for a variance.

Property is surrounded by existing public rights-of-way, so there is no adjacent property available.

Explain how the proposed variances can be granted:

a. without substantial detriment to the public good See Rider attached

b. without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan See Rider attached

7. If the application is made for a use variance, explain the following: **N/A**

a. how the proposed use can be granted without substantial detriment to the public good.

b. how the proposed use can be granted without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

c. List the "special reasons" presented by the application.

d. List here any "hardship" related to the nature of the land and/or the neighborhood and which prevents reasonable utilization of the property for any permitted use.

8. List all witnesses expected to testify:

Craig Hermann, PE, PP, CME

Paulus, Sokolowski and Sartor, LLC

3 Mountainview Road, P.O. Box 4039

Warren, NJ 07059

9. Waivers requested of Development Standards, powers or exemptions from N.J. RSIS and/or Submission Requirements: *[attach additional pages as needed]* N/A

**CERTIFICATIONS**

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the corporate applicant and that I am authorized to sign the application for the corporation or that I am a general partner of the partnership applicant.

*[If the owner is a corporation an authorized corporate officer must sign this application. If the owner is a partnership a general partner must sign this application.]*

Bayonne Bay Developers Urban Renewal, LLC

Sworn and subscribed to before me this 15<sup>th</sup> day of November, 2023.

Lori Farino  
A Notary Public of New Jersey

LORI FARINO  
A Notary Public of New Jersey  
My Commission Expires April 22, 2024

By: 

I certify that I am the Owner of the property which is the subject of this application and that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

*[If the owner is a corporation an authorized corporate officer must sign this application. If the owner is a partnership a general partner must sign this application.]*

Bayonne Bay Developers Urban Renewal, LLC

Sworn and subscribed to before me this 15<sup>th</sup> day of November, 2023.

Lori Farino  
A Notary Public of New Jersey

LORI FARINO  
A Notary Public of New Jersey  
My Commission Expires April 22, 2024

By:   
Jack Halpern, Managing Member

I understand that I must submit escrow money in an amount to be determined by the Administrative Officer or his/her designee in accordance with §32-9.2 of the City of Bayonne Land Subdivision and Site Plan Ordinance, which amount will be deposited into an escrow account. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

Bayonne Bay Developers Urban Renewal, LLC

Date: 11/15/23

By:   
Jack Halpern, Managing Member