

## STATEMENT OF APPLICANT

**Applicant:** QOZ Prospect Property Urban Renewal, LLC

**Property:** 33 Prospect Avenue (formerly 27-31, 33-39 & 41 Prospect)  
Block 455, Lot 1.01 (formerly Lots 1, 2 and 3), Bayonne, NJ

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QOZ Prospect Property Urban Renewal, LLC (the “Applicant”) is the owner of the property located at 33 Prospect Avenue (formerly 27-31, 33-39 and 41 Prospect Avenue), which is designated as Block 455, Lot 1.01 (formerly Lots 1, 2, and 3) on the City of Bayonne (the “City”) Tax Duplicate (the “Property”). The Property is in close proximity to the 22<sup>nd</sup> Street Station of the Hudson-Bergen Light Rail and is zoned under a redevelopment plan (the “Redevelopment Plan”), which permits multi-family dwellings.

The City Planning Board (the “Board”) previously approved 85 residential apartments with 89 on-site parking spaces along with building amenities for the Property in application no. P-19-044 (the “Prior Approval”). The instant application seeks preliminary and final amended site plan approval to construct a six-story multi-family residential building, containing 85 residential units and 85 parking spaces in an enclosed parking garage, along with building amenities, amenity terracing, rooftop terracing and rooftop structures (the “Application”). Additionally, the Application increases the proposed setback, will provide electric vehicle charging spaces, and significantly reduces the Property’s overall coverage when compared to the Prior Approval.

There is currently a sanitary force main located under the Property. The Prior Approval would have required the relocation of the force main, which would carry with it substantial risk, time, and resources. As amended, the Application has been able to locate the entirety of the proposed construction outside of the area of the aforementioned force main and its associated easement area. However, in doing so, the Application now requires bulk variance relief from the following Redevelopment Plan requirements: (i) Minimum Drive Aisle Width (22 feet is required; 20 feet is proposed); and (ii) Maximum Curb Cut Width (20 feet is permitted; 40 feet is proposed). If required, the Applicant also seeks design exception/waiver relief from the Residential Site Improvement Standards (“RSIS”) minimum drive aisle width requirement and the RSIS minimum number of off-street parking spots requirement.

The Application furthers the following purposes of the Municipal Land Use Law: (a) to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; (c) to provide adequate light, air and open space; (g) to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and (i) to promote a desirable visual environment through creative development techniques and good civic design and arrangement. The Application’s proposed construction presents a much more desirable outcome than the Prior Approval under principles of good zoning and public safety and welfare.

Additionally, the strict application of the zoning requirements will result in an undue hardship on the Applicant due to the lawfully existing location of the aforementioned force main. The benefits provided by the requested deviations will substantially outweigh the detriments, if any, and can be accomplished without undermining the intent and purpose of the City’s Zoning

Ordinances or Master Plan. The proposed improvements will also beautify the Property by providing an aesthetically pleasing structure near the Light Rail. Additionally, the project will provide a much-needed type of housing near the Light Rail and will encourage the use of public transportation, thereby reducing the potential for traffic congestion.

To the extent required, the Applicant also seeks *de minimis* waivers/exceptions from the RSIS for total number of off-street parking spots and minimum drive aisle width. The Application meets the standard for RSIS waiver/exception due to its close proximity to the Light Rail. Additionally, the RSIS standards take into account municipal parking standards, which were set forth in the Redevelopment Plan, and with which the Application complies. The Application meets the RSIS waiver/exception standard for drive aisle width as it is consistent with the intent of the RSIS, and the *de minimis* deviation is reasonable, limited, and not unduly burdensome.

The Applicant further seeks a waiver of the submission of a denial letter from the Zoning Officer as this Property is subject to a Redevelopment Plan, and the Municipal Land Use Law permits direct application to this Board and such other approvals, variances, waivers and design exceptions are indicated in the proposal.

Expert testimony will be provided at the hearing to further support the approvals and relief requested above.