Review 2

Kennedy Boulevard Urban Renewal MW, LLC & 373 Kennedy Boulevard Partners

Preliminary and Final Major Site Plan

Application P-25-026
361-373 John F. Kennedy Boulevard Redevelopment Plan

361-373 Kennedy Boulevard
Block 262, Lots 7, 8 & 9

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INTRODUCTION

1. Project Summary and Site Description

1.1. **Proposal Details.** The applicant requests preliminary and final major site plan approval to construct a new, six-story, mixed-use building containing ground floor commercial space and 66 apartments. A ground level parking garage with 71 spaces, bike storage and recreation space in the form of a gym, resident lounge, second floor roof terrace, roof top deck, lobby with mail and package facilities are included in the development proposal. Some units are provided private balconies which overlook Kennedy Boulevard and W. 12th Street. Green roofs are also provided. The ground floor commercial space consists of a 663 sf. retail store located in the southeast corner of the building. The front of the building is set at the street line of Kennedy Boulevard, with the ground floor entrances recessed about three feet to allow for the doors to the commercial and residential uses to open without obstructing the sidewalk. Along W. 12th Street, the building's garage entrance and commercial storefront are set at the street line. On either side of the garage entrance the façade steps back three feet to accommodate planters. The upper floors extend out over these recesses on both street frontages.

1.2. **Submission Completeness.** There are a number of items required by the Redevelopment Plan to be submitted as part of a site plan application that are not included in the application materials: sign package, refuse and recycling plan, precedent images of buildings in the neighborhood used as inspiration for the building's architectural style and renderings of each building elevation. There is a lack of consistency between the architectural and site plans for lighting. The applicant has indicated it will provide a recycling and refuse plan as part of resolution compliance. The question before the Planning Board is whether the lack of these submission items should delay the hearing until they are submitted.

1.3. **Existing Conditions.** The subject property consists of Lots 7, 8 and 9 in Block 262 and contains 16,187.5 sf. or 0.37 acre. It is located at the northwest corner of John F, Kennedy Boulevard and W. 12th Street. Lot 7 contains a residential building, Lot 8, the largest of the three lots, is vacant but was previous used for automobile repair, and Lot 9 contains a residence with a small rear yard. There are two wide curb cuts on Kennedy Boulevard that formerly served Lot 8 and one curb cut on W. 12th Street that serves the existing building on Lot 9. There are two existing street trees along the frontage of Lot 7. Overhead utility lines and utility poles are located along the property's Kennedy Boulevard and W. 12th Street frontages. See illustration on the next page.

1.4. **Neighborhood Context.** The property is the subject of the 361-373 John F. Kennedy Boulevard Redevelopment Plan. Properties which adjoin to the north and west are zoned R-2 Detached/Attached Residential District. Nearby uses consist primarily of single- and two-family dwellings, with some multi-family buildings within the larger neighborhood, including a six-unit building located on the opposite side of JFK Boulevard adjacent to W. 13th Street, and a recently constructed five story, 31-unit building called The Washington, located one block to the west on Avenue A.



Illustration 1. 2012 Street View Image – Lot 7 in forefront, Lots 8 and 9 on the right.

REDEVELOPMENT PLAN STANDARDS

2. Use Standards

2.1. **Permitted Principal Use.** The Redevelopment Plan permits a variety of commercial uses on the ground floor, limited to 2,500 sf. of gross leasable area, and with an entrance on Kennedy Boulevard. Multi-family residential dwellings are permitted on the upper floors. The proposed building contains multi-family residential apartments on the upper floors of the building and 663 sf. of retail space, with an entrance at the corner of Kenedy Boulevard and W. 12th Street, on the ground floor. *The plan complies.*

2.2. **Permitted Accessory Uses.** The Redevelopment Plan permits indoor, outdoor and rooftop recreational uses and amenities for residents and guests, off-street loading and parking facilities, green roofs and rain gardens, mail and package rooms and other customary and incidental uses typically associated with a mixed-use multi-family development. The proposed development includes a resident lounge and gym, rooftop deck, green roof, internal parking and loading facilities, lobby with mail and package room, centralized trash collection and bike storage. *The plan complies.*



Illustration 2. Architectural Rendering of Proposed Building Viewed from the Corner.

3. Area, Yard & Structure Requirements

3.1. **Bulk Requirements.** Compliance with the area, yard, height and coverage requirements of §5.7 of the Redevelopment Plan are outlined below. The proposed development is fully compliant with all area, setback and coverage requirements of the Plan.

a. Minimum tract area shall be the total combined area of Block 262; Lots 7, 8, and 9. The proposed tract area consists of the total combined area of Block 262; Lots 7, 8, and 9. *The plan complies.*

b. Minimum lot frontage along Kennedy Boulevard is 160 ft. and along W. 12th Street is 90 ft. The property's frontage along Kennedy Boulevard is 175 feet and along W. 12th Street it is 92.5 feet. *The plan complies.*

c. Minimum lot depth is 90 ft. The property's minimum lot depth is 92.5 feet. *The plan complies.*

d. Minimum and maximum yard and/or setback requirements for stories 1 – 4 from Kennedy Boulevard is 0 ft. – 5 ft. and from W. 12th Street is 0 ft. – 15 ft. The proposed building's first through fourth floors are set at the street line of both streets except where balconies are located along the JFK Boulevard façade, they are set back five feet and along W. 12th Street, there are recesses in the façade of not more than three and half feet. *The plan complies.*

e. Minimum setback from Block 262, Lots 6, 10, or 11 where the ground floor is utilized for interior parking, is zero ft., provided the height does not exceed 20 feet above existing grade. The ground floor of the proposed building adjoining Lots 6, 10 and 11

is used for parking, is less than 20 feet above existing grade and is set at the property line. *The plan complies.*

f. Minimum and maximum yard and/or setback requirements, above fourth story from Kennedy Boulevard is 0 - 5 ft. and from W. 12th Street is 3 – 10 ft. Above the fourth story the building is set back five feet from W. 12th Street and five feet from Kennedy Bouleard. *The plan complies.*

g. Minimum setbacks above the fourth story to Block 262, Lots 6 and 11 are 15 ft. and Block 262, Lot 10, 5 ft. Stair towers and elevator penthouses may protrude into setbacks required above the fourth story. Although not dimensioned on the plans, it appears that above the fourth floor, the proposed building is set back 15 feet from Lots 6 and 11 and five feet from Lot 10. The stair tower on the north side of the building encroaches into the setback to Lot 10 approximately one foot. *The plan complies.*

h. Minimum setback of rooftop terraces or outdoor recreation on stories 1 – 4 from property lines or rights-of-way is five feet and above the fifth story is 10 ft. The proposed building's rooftop terrace on the second floor is set back nearly six feet from Lots 6 and 11 and nearly 10 feet from Lot 10. There are private balconies on the fifth floor that extend along the building's entire Kennedy Boulevard and W. 12th Street frontages and wraps around the side of the building along Lot 6. This terrace is only three feet from Lot 6. The roof terrace above the sixth floor is set back more than 15 feet from Kennedy Boulevard and W. 12th Street, more than 20 feet from Lot 10 and nearly 40 feet from Lots 6 and 11. The plan partially complies. **A variance is required to permit the balcony on the fifth floor to be set back less than 10 feet.**

i. Maximum lot coverage shall not exceed 95% of the total tract area, but may be increased at a ratio of one foot of green roof for each one foot of building coverage. The proposed building covers 97.6% of the lot area and a concrete walkway along the north side of the property adjacent to Lot 10 covers about 2.3% of the lot resulting in a total lot coverage of 99.9% or 16,171 sf. The building includes a 663 sf. green roof on the second floor and a 5,095 sf. green roof above the sixth floor. Provided the design of these green roofs comply with the requirements of §6.9.G, they more than offset the maximum lot coverage. **Additional information is required to determine compliance.**

j. Maximum building height is 75 ft. and six stories. The proposed building is 71 feet and six stories. *The plan complies.*

k. Rooftop facilities containing amenities for residents and their guests may be located on any roof surface provided that the rooftop amenity shall be set back from the edge of the roof a minimum of five feet and this in-between space shall be buffered with evergreen plant material at least four feet in height at time of maturity. A clear wall/barrier or sound attenuation wall, such as AIL Soundwall system or approved equal, may be provided in combination or in lieu of plantings. The proposed building provides rooftop amenities on the second and fourth floors and above the sixth floor. Although there are planters randomly spaced around the perimeter of the roof terrace, there are no plantings specified and no sound wall that may meet the standard is indicated. **A design exception is required.**

3.2. **Minimum Unit Sizes and Types.** §5.7.K requires studio dwelling units to contain at least 500 sf. and not exceed more than 33% of the total unit count, one-bedroom dwelling units to contain at least 650 sf. per unit and not exceed more than 80% of the total unit count and two-bedroom units contain at least 800 sf. and not exceed 80% of the unit count. No dwelling unit shall contain three or more bedrooms. There are four studio units, 9% of the total, 42 one-bedroom units, 54% of the total, and 20 two-bedroom units, 37% of the total. The smallest studio unit is 528 sf., the smallest one-bedroom unit is 660 sf. and the smallest two-bedroom unit is 1,001 sf. All bedrooms have at least one exterior window as a natural source of light and there are no "dens" or similar living space. Each unit contains basic amenities such as washer/dryer unit, cable and internet connections, etc., according to the architect. *The plan complies.*

4. Off-street Parking

4.1. **Off-Street Parking Location.** Pursuant to §6.1.A, parking shall be located above any flood elevation as established or anticipated to be established by the NJ Department of Environmental Protection within 12 months of an application for development. The site plan notes that the property is not located within a flood hazard area; the actual ground elevation of the property was not correlated to NAVD 88. We note that the property is actually located within an area that is inundated by the climate-adjusted flood, which is the flood regulated by the State under the Flood Hazard Area Control Act (FHACA) rules. Living areas, and mechanical equipment must be elevated above the regulated flood elevation an additional four feet per the FHACA. It cannot be determined from the applicant's information whether the proposed garage elevation meets this criterion. **We recommend the applicant obtain a determination from the City's Floodplain Manager as to the required ground floor elevation for the property in order to verify compliance with the Redevelopment Plan's requirement.**

4.2. **Residential Parking Requirement**. §6.1.B establishes the minimum parking rates for the residences based on the number of bedrooms in each unit; 1.0 parking space per studio and one-bedroom dwellings and 1.25 spaces are required for each two-bedroom unit. The building contains 46 studio and one-bedroom units and 20 two-bedroom units resulting in a residential off-street parking requirement of 71 parking spaces. Parking may be provided in any combination of standard, compact, tandem, mechanical and valet. The proposed off-street parking facility provides 68 spaces in mechanical stackers and three standard, surface accessible spaces for a total of 71 spaces. **Although the plan complies with the minimum required number of spaces, the applicant should provide testimony as to how the spaces will be assigned and managed as each stacker will contain vehicles from different tenants and accessible spaces must be reserved for eligible users**.

4.3. **Non-residential Off-street Parking.** Pursuant to §6.1.B.3, a minimum of one off-street parking space shall be provided per 1,000 sf. of non-residential space to be reserved for employees of the establishment. The 663 sf. retail space requires one space. **There are no off-street parking spaces reserved for the retail use (one space is required). A parking variance may be required; however, see Comment 4.4, below.**

4.4. **Electric Vehicle (EV) Charging.** Pursuant to §6.C.10, electric vehicle parking shall be provided in compliance with P.L. 2021, Ch. 171, and the NJDCA Model EV Ordinance. At

least 11 Make Ready EV charging spaces are required. Seven EV charging spaces are provided and an additional 4 Make Ready spaces are required to meet statutory requirements. NJSA 40:55D-66.20(e) allows the applicant to claim seven credits towards the 71 required parking spaces, which will obviate the need to provide parking space for the retail use.

4.5. **Loading**. A loading zone shall be located within the building, if feasible, otherwise one external loading area shall be located on W. 12th Street per §6.1.G. A loading space is provided within the garage adjacent to the lobby entrance to the garage. *The plan complies.*

4.6. **Driveway.** The development is permitted to have one driveway from W. 12th Street that is limited to 22 feet in width (not including curb radii) per §6.1.E. The parking facilities are accessed via 12-foot-wide, two-way driveway on W. 12th Street. *The plan complies.*

4.7. **Pedestrian Warning System.** An audible and visual pedestrian warning system is recommended to be installed at the garage entrance on W. 12th Street.

4.8. **Parking Structure Requirements.** Pursuant to §6.F, off-street parking shall be provided within the principal building, have adequate security provisions and utilize active, not passive, ventilation. The parking facilities are fully contained within the proposed building on the ground floor level. **The applicant shall provide testimony as to any security provisions it intends to provide and discuss the ventilation system for the parking garage, including the location of fresh air intake and exhaust vents.**

4.9. **Minimum Bicycle Parking.** Pursuant to §6.1.C, a minimum of 0.5 bicycle parking spaces per dwelling unit and one space per 500 sf. of non-residential floor area is required. There are 66 dwelling units and 663 sf. of non-residential floor area which requires 33 resident bicycle parking spaces and one space for the retail use for a total of 34 spaces. Bicycle parking is depicted in two locations within the garage; one row of racks provides parking for 18 bikes and the other can accommodate 16 for a total of 34. We note the location with the 18 space rack is accessed through a 42" gap between two parking stackers. This is the minimum width acceptable for this access. This must not be obstructed or diminished following construction. *The plan complies.*

5. Streetscape

5.1. **Streetscape Objective**. The streetscape design is intended to create a pedestrian friendly frontage along JFK Boulevard and W. 12th Street with street furniture, plantings and other visual elements that will encourage greater foot traffic and social interaction in the neighborhood for new and existing residents and visitors. In between street trees, trash cans should be located toward the center line of the Tree Zone. Benches, along with bicycle racks and permeable pavers or a sidewalk design utilizing decorative scoring are encouraged (see §6.3.B.6). Multi-sensory wayfinding for the vision and hearing impaired should be included in the sidewalk design (see §6.3.D.3) **Benches are shown in the Tree Zone on both street frontages but there is no detail. Similarly, there is a detail for bike racks, which is a style that is not preferred, but no locations are shown on the site plan for them. The site plan does not indicate wayfinding signage, although a note on the site plan states that wayfinding signage will be provided. Additionally, the site plan depicts a paver pattern in the frontage zone of the sidewalk at the resident entrance but, the notes and**

details only specify a standard concrete sidewalk on both street frontages. Additional information and the reconciliation of the conflicting notes should be provided. We have no objection if this is a resolution compliance condition.

5.2. **Street Trees.** Trees should be spaced 35 to 45 feet apart considering the location of underground utilities, driveways, on-street parking and loading zones per §6.3.B.5.b, and at least three different species of deciduous trees are recommended (see §6.6.B,). Three street trees are proposed along the W. 12th Street frontage and nine on the Kennedy Boulevard frontage, spaced 35 feet apart on average. The plan proposes three species of street tree; Armstrong Red Maple (Acer rubrum 'Armstrong), a columnar variety, Acer rubrum 'October Glory') and Redbud, (Cercis canadensis). However, the trees are not labelled and the planting schedule does not contain the correct size, spacing or other necessary planting details. **The landscape plan and schedule should be revised accordingly.**

5.3. **Planting Details.** Pursuant to §6.3.B.5, the planting detail for street trees shall indicate planting within a soil cell that is the same or equivalent to the Silva Cell System with a tree grate installed at the surface that is flush with the sidewalk. **The planting detail does not include a tree grate and specifies the use of a CU structural type soil rather than a Silva Cell type system and does not contain any specifications pertaining to the tree. The plans should be revised accordingly.**

6. Lighting

6.1. **Street Lighting**. Street lighting is required to conform with the municipal street lighting standards (see §6.4.A.2). Currently, there is one, pole-mounted cobra head fixture on the property's Kennedy Boulevard frontage. There is no street lighting on W. 12th Street on either side of the street. No street lighting is proposed on either street frontage. **A design exception is required.**

6.2. **Exterior Lighting**. All outdoor lighting, excepting street lighting, should be coordinated as to style, material and color and all exterior lighting shall be designed, located, installed and directed in such a manner to prevent objectionable light at and across property lines (see §6.4.A.1). **Neither the architectural plans or the lighting plan indicate any fixture details for the lighting depicted on the plan. Additionally, the lighting plan contains conflicting notes as to mechanism and the time of operation of the exterior lights. The plans should be coordinated with fixture details and provisions for either motion or timer operation to ensure compliance with the regulations.**

6.3. **Pedestrian Lighting.** Pursuant to §6.4.A.3, pedestrian lighting should be building mounted at a mounting height no greater than 14 feet. The minimum footcandle illumination in the Clear Zone should be 0.5 at grade level. The site plan indicates building mounted fixtures on both street facing façades but does not indicate the mounting height. There is no lighting provided along the service walkway on the north side of the building. The architectural plans show building mounted lighting only on the Kennedy Boulevard façade at different mounting heights, while the lighting plan indicates there is lighting on the W. 12th Street façade. Light levels fall below 0.5 footcandles in the Clear Zone of both street frontages. **The lack of coordination between the site and architectural plans means that the totality of the exterior lighting cannot be evaluated with the plans as submitted.**

Additional information and coordination of the plan sets is required in order to determine compliance.

6.4. **Light Color Temperature.** Lamps shall emit a color temperature between 2,800°K and 4,000°K with a minimum color rendering index (CRI) of 70 or higher (see §6.4.A.5). The color temperature of the proposed exterior lights has been specified to be 3,000°K. *The plan complies.*

7. Recreation, Open Space and Landscaping

7.1. **Open Space and Recreation Facilities.** Pursuant to §6.8.A, a minimum 15% of the total lot area shall consist of open space and recreation facilities. This may be provided at grade, on rooftop areas or on private balconies. 2,428 sf. is required. The building contains a 1,032 sf. lounge, 552 sf. gym, 1,364 sf. common terrace on the second floor and 4,463 sf. roof deck, which totals 6,047 sf. There is another 2,056 sf. of private balcony area. *The plan complies.*

7.2. **Plants Required.** Pursuant to §6.6.C, plants such as shrubs, flowers, or trees shall be used to accent entrances, arcades, sidewalks, communal plazas, communal rooftops and communal terraces. Such accent plantings shall be hardy, native or adaptive species that are drought tolerant and able to thrive in an urban environment. Neither the site or architectural plans depict any plantings on the roof deck, second floor roof terrace or to accent the building's entrances. As previously noted, there are some planters on the roof terrace, but no plantings are specified. There are two planters recessed into the building's W. 12th Street façade on either side of the garage entrance; however, these also have no plants specified. **A design exception is required; however, we believe that the applicant should comply with this standard. This office recommends the integration of planters into the Frontage Zone, as defined in the Redevelopment Plan, on both W. 12th Street and Kennedy Boulevard. Encroachment of permanent physical structures, rather than just moveable planters, will require additional approval by the City Council.**

8. Sustainable Design

8.1. **LEED Criteria.** Although actual LEED Certification is not required, all buildings shall demonstrate the project would meet the requirements to achieve a LEED (Leadership in Energy Efficient Design) Certified rating or greater, per §6.9.G.1. The applicant has provided a LEED scorecard which indicates sufficient points to achieve Certification. *The plan complies.*

8.2. **Green Roof.** §6.9.G.2 requires 25% of the aggregate area of all rooftops to be developed as green roofs. There is approximately 14,000 sf. of roof area on the proposed building, requiring at least 3,500 sf. of green roof. There is 5,758 sf, or 41%, of green roof area proposed. *The plan complies.*

8.3. **Green Roof Details.** The plans do not contain any details of the green roof system, which is required by §6.9.G.3 to be a vegetated or living roof, comprised of an engineered roofing system that supports a planting medium which enables the growth of specialized drought-tolerant plants such as grasses, sedums, and wildflowers that require little irrigation beyond rainfall, but shall be supplemented with irrigation obtained directly from a

rainwater collection system integrated into the building. **Additional information is required to determine compliance.**

8.4. **Green Wall.** The architectural plans identify portions of the Kennedy Blvd. façade as "Green Wall" but is not depicted on the elevations and no details are provided. The applicant should advise if a Green Wall system is intended to be installed.

9. Building Design

9.1. **Redevelopment Plan Building Design Requirements.** Pursuant to §6.2.A, the intent and purposed of the Redevelopment Plan is to produce a development that is complementary to the existing neighborhood in terms of use and design, and to enhance the streetscapes along Kennedy Boulevard and W. 12th Street. Additionally, the building is required to be designed such that it appears as two or more distinct buildings through the use of different, but complementary, architectural styles and varied articulation along the building frontages. They are required to have a fine-grained appearance and enhance the design of the building as viewed from the streets. Precedent images of buildings in the neighborhood used as inspiration for the architectural style and elements are required to be submitted to the Planning Board per §6.2.E.8. This requirement is further elaborated in §6.2.E, emphasis on key parameters, as follows:

- **The building shall be designed in a manner that makes it appear to be composed of four different buildings with distinct architectural styles.** This means the development of four distinctive facades along JFK Boulevard and one for W. 12th Street.
- Unique designs between the demise lines should be reflective of architectural elements from the neighborhood where the Redevelopment Area is located. Elements of the parts of the building between the demise lines should vary in terms of wall material, color, windows, dormers and balconies. **The intent should be that each individual façade section within the demise lines should be able to stand alone visually as a single building.**
- Of the four façade designs, the one extending to the corner of J.F.K. Boulevard and W. 12th Street shall be the most prominent. The remaining three facades shall have minimum width of 30 feet. **Within the width of each distinct façade design, the design shall carry from the finished grade along the property frontage to the top of the roof.**

The applicant has not provided precedent images as part of its site plan submission. The proposed building is a contemporary design that is common today where a pattern of contrasting modules are stacked above a uniform base to create visual interest in the façade. Although there is some articulation that breaks up the mass of the building and provides visual interest, these features do not extend to the base where they would better convey the appearance of being separate buildings. Regardless, they all exhibit essentially the same contemporary design style, without connection to the greater neighborhood's architectural styles. The Redevelopment Plan contains examples of the required effect (see pages 25-26). In our view, this analysis suggests that the façade design does not adhere to the building design elements of the redevelopment plan in terms of distinct demising lines and is not a modern interpretation of the type of buildings in the neighborhood, but merely modern. **If all the vertical demise lines carried to the base of the design, then an argument**

can be made that it meets the redevelopment plan's design standard. A design exception is required.

9.2. **Building Materials and Color Palette.** Pursuant to §6.2.E.9-11, buildings shall be designed using a color palette that complements the architectural context of the surrounding area. High quality, durable decorative, materials shall be incorporated into the ground floor façade along the street frontage. Primary exterior building materials shall be wood, brick stone, stucco, metal, glass or other similar durable materials. Hardie Board or equivalent cementitious panels are permitted styled in a manner that appears similar to wood, brick, stone, stucco or other similar durable materials. Color palettes should be traditional and durable colors like beige, terra cotta, brick red, dark green, black and various grays that are natural or muted and work well with the brick and stone facades of existing historic buildings in Bayonne. The base color is the predominant color applied to the walls and major surfaces. Accent color is used for trim, hardware, doors, etc. The predominant building color in the surrounding area is tan/beige with some buildings using red brick. The proposed building uses fiber cement panels, brick and stucco. The fiber cement panels have a smooth texture and the stucco is specified to have a fine finish. Colors include red, gray and white and the base color is not the predominant color of the major surfaces. Aside from the angled commercial storefront and the glass resident entrance, the base elevation is quite sterile. The pearl gray stucco used on the base façade is broken up by the angled commercial storefront and the glass resident entrance. On the base of the Kennedy Boulevard frontage, the elevations depict a textured pattern of the brick, but this is not specified or detailed. There are also two recessed panels which suggest a storefront or garage opening, but also are not detailed. **Additional information is required.**

9.3. **Building Entrances.** §6.2.E.15 requires entrances to be designed to be attractive and functional. Indicators such as awnings, changes in sidewalk paving materials, changes in height incorporating stairs, or any other indicator consistent with the design, proportions, material and character of the adjacent areas shall be encouraged. As noted above, the entrances to both the commercial space and residential lobby are recessed storefronts and lack architectural components that give the entrance prominence on the street. The site plan depicts a brick pattern at the residential entrance but there is no detail for this paving type (see illustration of building perspective, following page. **A design exception is required.**

9.4. **Blank Walls.** Pursuant to §6.2.E.3, all building façades shall be designed to be attractive from each vantage point and be consistent in their quality and finish on all elevations. §6.2.E.5 prohibits blank or featureless walls. No buildings shall have a wall with an uninterrupted length of more than 60 feet without including any change in the vertical plane of the façade. The street-facing façades are designed to be consistent in quality and finish. The side and rear façades have changes in color and pattern of the walls which coordinates with other building façades; however, these exceed 60 feet in linear measure without a change in the vertical plane. **Partially complies, partially necessitates a design exception.**



Illustration 3. Architectural Rendering of Proposed Building With Rooftop View

10. Solid Waste, Mechanical Equipment and Utilities

10.1. **Trash and Recycling**. Pursuant to §6.9D.2, a recycling and refuse plan, showing the operations, manuals, pickup, and estimated trash volume shall be provided during site plan review. **The applicant has indicated it will provide a recycling and refuse plan as part of resolution compliance.**

10.2. **Mechanical Equipment.** Pursuant to §6.9.E.4, all mechanical equipment serving the building shall be placed on the roof of the building and be screened utilizing the same material used in construction of the building such that screening appears to be an integral part of the building. §6.9.E.5 also requires all mechanical equipment, generators, HVAC equipment, and similar equipment to be acoustically buffered. A 650 sf. mechanical space is provided in the southwest corner of the roof. The architectural elevations depict a fence-like screen around the perimeter of the rooftop mechanical space, but the material, color, finish and type of acoustical buffer are not specified. **The plans should be revised to indicate details of the screening material of all rooftop HVAC and mechanical equipment.**

10.3. **Garage Ventilation.** As previously noted, in addition to HVAC equipment for the building's habitable spaces, the size, location and screening of the garage ventilation system should also be depicted on the architectural plan set.

10.4. **Meters.** The plans do not indicate the location of any utility meters or telecommunications equipment serving the property. The ground floor contains space for an electric transformer and the basement level contains mechanical, sprinkler and 'electric' rooms, however, it is unclear if electric and gas meters will be located within these spaces or

elsewhere within the building. **The applicant should provide testimony as to the location of meters and any other utility equipment and any necessary screening to be provided if located on the exterior of the building.**

11. SIGNS

11.1. **Sign Package.** §6.7.F requires a sign package indicating the size, dimensions, location, illumination, material, and color of all permanent signs be provided upon submission of site plans for Planning Board approval. The sign package may be located on the site plan, architectural plan, or in a separate document. Proposed signs shall be consistent between all submitted materials. **The applicant has not provided a sign package with its site plan application. The architectural elevations depict a building address sign over the resident entrance and a placeholder designation for retail signage, but no other details are provided.**

12. CONSIDERATION OF THE VARIANCES AND DESIGN EXCEPTIONS

12.1. **Context for Review of 'C' Variances**. 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.

a. **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.

b. **Consideration of the Negative Criteria**. Should the applicant satisfy the positive criteria, it must also be demonstrated 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.

- Impact to the public health, safety and welfare. Impact to the public, typically relates to any substantial detriment to the adjoining neighbors or within the surrounding neighborhood. Substantial detriments are usually nuisance related such as noise, dust, trash, parking, traffic, visual distraction, light, runoff and aesthetics that cannot be adequately mitigated. The applicant should address any impacts to the character of the neighborhood resulting from the excess number of building stories.
- Impact to the zone plan. The applicant must show that the relief can be granted without substantially impairing the zone plan and zoning ordinance. In evaluating the negative criteria as it relates to the zoning ordinance and zone plan, the Board should consider the manner in which this application could impact the overall fulfillment of the Redevelopment Plan.

The applicant should provide testimony in support of the variances, and be prepared to discuss any potential negative impacts on neighboring properties and the zone plan.

12.2. **Context for Review - Design Exceptions:** The Board may also grant deviations from site plan standards, often referred to as "design exceptions". These criteria are distinguished from variances, as they are not deviations from requirements related to use or other zoning criteria, but rather from the ordinance requirements for site plans (and subdivisions). These deviations are generally evaluated pursuant to N.J.S.A. 40:55D-51.b, which states:

> *"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."*

This standard is similar to a '-c(1)' variance, except that the applicant is not required to demonstrate that there will be no substantial detriment to the public good or impairment of the intent and purpose of the zone plan (negative criteria). The applicant should identify the degree to which the requirements are impracticable/cause hardship and also what peculiar site conditions might exist that prevent compliance.

PLANNING POLICIES

13. RELEVANT PLANNING POLICY

13.1. **Master Plan Goals**. The 2000 Master Plan for Bayonne includes goals which are relevant to the Board's consideration of this application. Furthermore, the following issues and objectives can be found in the 2017 Master Plan Reexamination Report:

- *Provide for adequate parking to serve established residential and commercial areas. Incorporate adequate parking into new developments (page 8).*
    - *Parking has still been a significant issue today within the City, especially within the residential areas. There is an ordinance that allows parallel parking in front of driveways to maximize on-street parking. Parallel parking in residential areas is still a significant issue. The City divided many neighborhoods into zones for on street parking in response to the impact of commuter vehicles into residential areas. The City created the residential permit parking areas "to alleviate and restrict the unfavorable parking conditions outside the flow of commuter traffic to said residential neighborhoods" As stated under the Parking and Permits section of the Bayonne Website. However[,] the City can also issue parking permits to those who work but do not live within the City. These people are assigned a permit and can only park in their designated parking zone (page 30).*
- *Provide a broad range of housing to meet the needs of all residents including low and moderate income housing, middle-income housing and market rate or luxury housing (page 15).*

APPLICATION INFORMATION

14. APPLICANT / OWNER / PROFESSIONALS

14.1. **Applicant/Owner.** Kennedy Boulevard MW Urban Renewal, LLC and 373 Kennedy Boulevard Partners, LLC, 701 Avenue E, #2, Bayonne, NJ 07002.

14.2. **Attorney.** Michael Miceli, Esq., Prime, Tuvel & Miceli, 1 Evertrust Plaza, Suite 1202, Jersey City, NJ 07302. Tel: 201-399-0137. Facsimile: 856-273-8383. Email: mike@primelaw.com

14.3. **Architect.** Joseph Garber, AIA, GRO Architects, PLLC, 125 Maiden Lane, Suite 506, New York, NY 10038. Tel: 212-346-0705. Email: richard@groarch.com

14.4. **Engineer**. Guy Lagomarsino, PE, Optimized Engineering Associates, 400 38th Street, Suite 307, Union City, NJ 07087. Tel: 973-539-8400. Email: glagomar@oea-corp.com

15. MATERIALS REVIEWED

15.1. *City of Bayonne Application for Development Form*, with attachments, dated August 6, 2025.

15.2. *Statement of Applicant*, undated.

15.3. *City of Bayonne Certificate of Completeness Review*, dated January 30, 2026.

15.4. LEED Scorecard, dated July 23, 2026.

15.5. *New Construction Multifamily Residential*, prepared by Joseph Garber, AIA, GRO Architects, PLLC, dated June 12, 2025 and last revised June 17, 2026, consisting of 21 sheets.

15.6. *Preliminary and Final Site Plan*, prepared by Guy Lagomarsino, PE, Optimized Engineering Associates, dated June 2025 and last revised July 25, 2026, consisting of 10 sheets.

15.7. *Topographic Survey of 363-371 Kennedy Boulevard City of Bayonne, Hudson County, NJ*, prepared by Behar Surveying associated, PC, not signed or sealed, dated October 21, 2021, consisting of one sheet.

16. RELIEF REQUIRED

16.1. Variances:

§5.7.G.1 - Minimum setback of rooftop terraces on 1-4 floors

§5.7.L.1 – Rooftop amenity setback from roof edge

§5.7.L.2 – Rooftop amenity buffer

16.2. Design Exceptions:

§6.2.E.5 - Walls more than 60 feet without change in vertical plane;

§6.4.A.2 - Street lights;

§6.6.C - Plantings at entrances and rooftops.

Note that additional information is required for exterior lighting, green roof design, LEED consistency, mechanical screening and flood elevation in order to determine compliance with those Redevelopment Plan requirements. Additional variances or design exceptions may be identified by the Board or the other professionals employed by the Board during testimony. The same applies to the conditions of approval.

17. CONDITIONS OF APPROVAL

17.1. Affordable Housing Fees. In accordance with state law, a non-residential development impact fee for affordable housing will be required to be paid at the time of building permit issuance. As a condition of approval, any required residential affordable housing fees required by the City ordinance should be paid. Presently, no residential fee is required.

17.2. Adherence to the Professional Review Reports. Any approval should be conditioned on meeting the requirements in this report and the other professionals of the Board.

We would be pleased to answer any questions regarding this report.

Cc. Alicia Losonczy, Dir. Planning, Zoning and Development
Scott Salmon, Esq., Planning Board Attorney
Greg Valesi, PE, CME, Planning Board Engineer
Tracey Tuohy, Zoning Officer
Andrew Raichle, PE, Redevelopment Engineer
Applicant's Professional Team

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