

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

Exhibit - A-4
ATLANTIC CEMENT
REALTY, LLC
P-21-027
(04/12/2022an)

APPLICATION FORM

TYPE OF APPROVAL REQUESTED:

<input checked="" type="checkbox"/> Site Plan	<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 (Phase I only)	<input type="checkbox"/> Final	<input type="checkbox"/> Major Site Plan
<input type="checkbox"/> Certificate of Nonconformity		

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

1. Location of proposed development

Block 481 Lot(s) 5.02 and 5.04; Commerce Street right of way (riparian area)
Zone District Atlantic Cement Site Redevelopment Plan
Proposed use: Phase I - Applicant proposes to construct a two-story, 13,016 square foot warehouse building, inclusive of 1,538 square feet of office space (1st Fl.), and 3,000 square feet of gallery/office space (2nd Fl.) with roof terrace and ancillary improvements. The Applicant also proposes to construct in-water design features, including mooring device. Phase II - Applicant proposes a 185' tall silo.

Lot Area Block 481, Lots 5.02 and 5.04 (5.0 acres) Building area (sq. ft total) 13,016 sf
Number of off-street parking spaces 29 proposed
Area (in feet) of any adjoining property controlled by owner Not applicable

2. Name of Applicant: Atlantic Cement Realty, LLC Phone No. 201-304-3676

Address: 85 E. 2nd Street, Bayonne, NJ 07002 E-mail: frank@alesiorg.com

Name of Owner: Owner is the same as Applicant Phone No. _____

Address: _____ E-mail: _____

3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:

Applicant's Attorney Lisa A. John-Basta, Esq., Chiesa Shahinian & Giantomasi PC
Address One Boland Drive, West Orange, New Jersey 07052
Telephone Number 973-530-2083 Fax Number 973-530-2283
E-mail Address ljohn-basta@csglaw.com

Applicant's Engineer Samuel Renauro, PE - SR3 Engineers
Address 100 Essex Avenue, Suite 201, Bellmawr, New Jersey 08031
Telephone Number 856-933-3323 Fax Number _____
E-mail Address srenauro@sr3engineers.com

Applicant's Planning Consultant: John McDonough, LA, PP, AICP John McDonough Associates, LLC

Address 101 Gibraltar Drive, Suite 1A Morris Plains, NJ 07950
Telephone Number 973.222.6011 Fax Number 973.786.6537
E-mail Address jmcdonoughpp@gmail.com

Applicant's Traffic Engineer Gary W. Dean, PE, PP, Dolan & Dean Consulting Engineers, LLC
Address 181 WEST HIGH STREET SOMERVILLE, NJ 08876
Telephone Number 908 927 0100 Fax Number 908 927 0181
E-mail Address gary@dolandean.com

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 Rick Pratt, AIA – Pratt Design Studio, LLC
Field of Expertise Architecture
Address 175 10th Street, Belford, New Jersey 07718
Telephone Number 609-668-8002 Fax Number: _____
E-mail Address: Rick@pratt-ds.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. **See Attachment**

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. **Draft Notice Attached**

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: _____

Type of Use Proposed: _____ Change in occupancy utilizing existing facilities
_____ Addition(s) or expansion of existing facilities
_____ All new construction
_____ Site work only
 Other (Phase I - demolish existing 1 story concrete building and accessory improvements. Construct new 2 story warehouse building and accessory improvements. Phase II – construct additional silo)

Present (or previous) use: Existing Truck and Marine Cement Terminal with ancillary office structure. Including a boat ramp and mooring structures.

Proposed use: **New warehouse, additional silos and in-water design features such as additional mooring devices and access ways.**

Number of Employees TBD Business hours as permitted by code

PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
 Yes [attach copies] X No _____ Proposed _____ **See enclosed survey**

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: **The property is currently improved with a cement facility**

Is a public water line available? Yes

Is public sanitary sewer available? Yes

Are any off-tract improvements required or proposed? Yes

Is the subdivision to be filed by Deed or Plat? Not applicable

What form of security does the applicant propose to provide as performance and maintenance guarantees? As may be required by N.J.S.A. 40:55D-38(c)

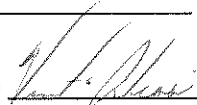
Other approvals, which may be required, and date plans submitted:

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

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.] See attached*

Name	<u>Vincenzo Alessi</u>	Address	<u>P.O. Box 1009 Bayonne, NJ</u>	Interest	<u>17.5%</u>
Name	<u>The 2012 Vincenzo Alessi Fam. Trust</u>	Address	<u>" "</u>	Interest	<u>12.50%</u>
Name	<u>The 2012 Susan Alessi Fam. Trust</u>	Address	<u>" "</u>	Interest	<u>12.50%</u>
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____

Applicant's Signature(s) 

Managing Member
Indicate title if corporation or partnership

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 **5.0 acres** Size of Building: **13,016 sf** No. of stories: **2 stories**

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested)* : **Section 2.5.9(a) Fence Height – to exceed the maximum permissible fence along the street line and Section 2.5.9(c) Fence Design – to permit installation of a chain link fence with barbed wire.**

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: **Not applicable.**

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? Yes No

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

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?

Testimony to be provided during the public hearing on the application.

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?

Testimony to be provided during the public hearing on the application.

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.

Not applicable

Explain how the proposed variances can be granted:

a. without substantial detriment to the public good _____

Testimony to be provided during the public hearing on the application

b. without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan Testimony to be provided during the public hearing on the application

7. If the application is made for a use variance, explain the following: **Not applicable**

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:

Sam Renauro III, PE, SR3 Engineers , Gary W. Dean, PE, PP, Dolan & Dean Consulting Engineers, LLC , John McDonough, John McDonough Associates, LLC and Rick Pratt, AIA – Pratt Design Studio, LLC

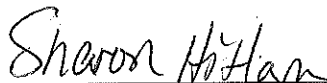
9. Waivers requested of Development Standards, powers or exemptions from N.J. RSIS and/or Submission Requirements: *[attach additional pages as needed]* Not applicable

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.]

Sworn and subscribed to
before me this 18 day
of Nov, 2021


A Notary Public of New Jersey

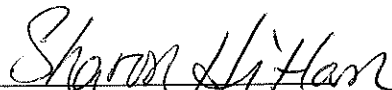
Sharon Hittan
Notary Public of New Jersey
I.D. No. 2312410
My Commission Expires March 16, 2024


Signature of Applicant

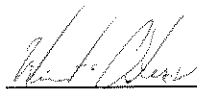
I certify that I am the Owner of the property which is the subject of this application and that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[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.]

Sworn and subscribed to
before me this 18 day
of Nov, 2021


A Notary Public of New Jersey

Sharon Hittan
Notary Public of New Jersey
I.D. No. 2312410
My Commission Expires March 16, 2024


Signature of Owner

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.

Date: 11/18/2021


Signature of Applicant

**ATLANTIC CEMENT REALTY, LLC
BLOCK 481, LOTS 5.02 AND 5.04**

Disclosure Statement

Pursuant to N.J.S.A. 40:55D-48.2, below is a list of all entities and individuals having a ten percent (10%) or greater interest in the Applicant Atlantic Cement Realty, LLC.

<u>ATLANTIC CEMENT REALTY, LLC</u>		
ENTITY/INDIVIDUAL	INTEREST	BUSINESS ADDRESS
Vincenzo Alessi	75%	PO Box 1009, Bayonne, New Jersey
The 2012 Vincenzo Alessi Family Trust	12.5%	PO Box 1009, Bayonne, New Jersey
The 2012 Susan Alessi Family Trust	12.5%	PO Box 1009, Bayonne, New Jersey

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