

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 FOR DEVELOPMENT FORM

TYPE OF APPROVAL REQUESTED:

<input type="checkbox"/> Site Plan	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Development Permit
<input type="checkbox"/> Waiver	<input checked="" 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 type="checkbox"/> Preliminary	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Unimproved Road
<input type="checkbox"/> Final	<input checked="" type="checkbox"/> Final	<input type="checkbox"/> Major Site Plan
<input type="checkbox"/> Certificate of Nonconformity		

Variances: Use Bulk (c) (a) (b)
See attached "Statement of the Applicant"

1. Location of proposed development East 22nd Street; between Hook Road and Avenue I
 Block 465/466 Lot(s) 9;1 Zone District I-H Heavy Industrial
 Proposed use N/A - Subdivision application

Lot Area Approx. 43.96 Acres Building area (sq. ft total) N/A
 Number of off-street parking spaces N/A - subdivision application
 Area (in feet) of any adjoining property controlled by owner Block 466 Lots 2, 3, and 4
are owned by IMTT-BX, LLC

2. Name of Applicant: Duke Realty Bayonne Development, LLC Phone No.: 610-930-8130
 Address: 3 Second Street, Suite 502, Jersey City, NJ 07302 E-mail: Mike.Davis@Dukerealty.com
 Name of Owner: See attached "Affidavit of Ownership & Owner Consent" Phone No. _____
 Address: _____ E-mail: _____

3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:

Applicant's Attorney Michael Miceli, Prime & Tuvel
 Address 1 University Plaza Drive, Suite 500, Hackensack, NJ 07601
 Telephone Number 201-833-1010 Fax Number 856-273-8383
 E-mail Address mike@primelaw.com

Applicant's Engineer Joseph D. Hanrahan, P.E., Hammer Engineering
 Address 1707 Atlantic Avenue, Suite B2, Manasquan, NJ 08736
 Telephone Number 732-899-0898 Fax Number 888-712-4519
 E-mail Address hanrahan@hammerengineering.com

Applicant's Planning Consultant John McDonough, P.P., 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 Craig Peregoy, P.E., Dynamic Traffic
 Address 245 Main Street, Suite 110, Chester, NJ 07930
 Telephone Number 732-681-0760 Ext. 2104 Fax Number 908-879-0222
 E-mail Address cperegoy@dynamictraffic.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 TBD
Field of Expertise _____
Address _____
Telephone Number _____ Fax Number: _____
E-mail Address: _____

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 attached "Statement of the Applicant"

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. TBS

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. TBS

7. Dates and types of prior development applications for this property: No prior development applications
to Applicant's knowledge, but see attached "Prior Approvals."

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

Present (or previous) use: Industrial use - tank farm and administrative office

Proposed use: Existing use will remain

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 _____ Proposed _____

See survey and title commitment

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: Industrial use - tank farm and administrative office

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? Plat

What form of security does the applicant propose to provide as performance and maintenance guarantees? Bond, letter of credit, cash, or as otherwise permitted by law.

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

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

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 <u>See attached "Disclosure Statement."</u>	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____

Applicant's Signature(s) David Kline

Attorney For Applicant
Indicate title if corporation or partnership

VARIANCE RELIEF

1. Application is hereby made for:

 ^{x (c1 and c2)} 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 Approx. 43.96 Acres Size of Building: See Plans No. of stories: See Plans

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested)* : See attached "Statement of the Applicant."

for the purpose of _____

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:

N/A 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).

N/A 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 X No

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

No prior development applications to Applicant's knowledge, but see attached Resolution

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 attached "Statement of the Applicant."

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 attached "Statement of the Applicant."

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.

See attached "Statement of the Applicant."

Explain how the proposed variances can be granted:

a. without substantial detriment to the public good See attached "Statement of the Applicant."

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

7. If the application is made for a use variance, explain the following:

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

N/A

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

N/A

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

N/A

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.

N/A

8. List all witnesses expected to testify:

Joseph D. Hanrahan

John McDonough

The Applicant reserves the right to change the witnesses or call additional witnesses.

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

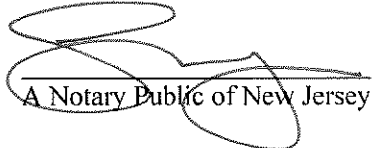
See attached "Statement of the Applicant."

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 1 day
of AUGUST, 20 22


A Notary Public of New Jersey


Signature of Applicant's Attorney

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 _____ day
of _____, 20 _

See attached "Affidavit of
Ownership & Owner Consent"

A Notary Public of New Jersey

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: 8/1/22


Signature of Applicant's Attorney

Sally C La
NOTARY PUBLIC
State of New Jersey
ID # 50111300
My Commission Expires
August 26, 2024



AFFIDAVIT OF OWNERSHIP & OWNER CONSENT

ORLEANS PARISH)
) ss.
STATE OF LOUISIANA)

I, Richard B. Jurisich, being duly sworn, depose and say:

1. Based on my review of recorded deeds and surveys, IMTT-BX LLC is the owner (“Owner”) of certain property located within the City of Bayonne, New Jersey, which is designated as Block 466, Lot 1-4 and Block 465, Lot 9 on the City of Bayonne Tax Records (the “Property”).

2. Owner grants to Applicant, Duke Realty Bayonne Development, LLC, and its attorneys, Prime & Tuvell, consent to apply to the City of Bayonne Planning Board (or any other governmental agency with jurisdiction over the subdivision of the Property) for subdivision approval, variances, exceptions, waivers, and any related approvals or permits as may be required from any governmental entity for the subdivision of the Property.

3. I am authorized to execute this consent on the Owners' behalf.

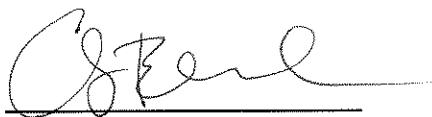
IMTT-BX LLC

By:  _____

Name: Richard B. Jurisich

Title: Secretary & General Counsel

Sworn and Subscribed to before me
this 5th day of May, 2022



Notary Public

CLAY V. BLAND, JR.
NOTARY PUBLIC
LA BAR No. 32066, ID No. 131655
Parish of Orleans, State of Louisiana
My Commission is issued for Life