

**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 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	<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 197 Avenue E  
Block 221 Lot(s) 12.01 Zone District Redevelopment Plan  
Proposed use Mixed-use building with 250 residential units and ground floor convenience retail/commercial

Lot Area 28,745 s.f. Building area (sq. ft total) 241,163 s.f.  
Number of off-street parking spaces 250  
Area (in feet) of any adjoining property controlled by owner N/A

2. Name of Applicant: 197 Ave. E Urban Renewal LLC Phone No. 917-361-7121  
Address: 3799 Route 46 East, Suite 104, Parsippany, NJ 07054 E-mail: \_\_\_\_\_  
Name of Owner: Fulton Bayonne LLC; Anak Bayonne 197 E LLC Phone No. 917-361-7121  
Address: 3799 Route 46 East, Suite 104, Parsippany, NJ 07054 E-mail: shai@anakdevelopment.com

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

Applicant's Attorney Michael Miceli, Prime & Tuvel  
Address One University Plaza Drive, Suite 500, Hackensack, NJ 07601  
Telephone Number 201-883-1010 Fax Number \_\_\_\_\_  
E-mail Address mike@primelaw.com

Applicant's Engineer Matthew J. Neuls, P.E., Dresdner Robin  
Address 1 Evertrust Plaza, Suite 901, Jersey City, NJ 07302  
Telephone Number 201-217-9200 Fax Number 201-217-9607  
E-mail Address MNeuls@dresdnerrobin.com

Applicant's Planning Consultant Charles Heydt, P.P., Dresdner Robin  
Address 1 Evertrust Plaza, Suite 901, Jersey City, NJ 07302  
Telephone Number 201-217-9200 Fax Number 201-217-9607  
E-mail Address cheydt@dresdnerrobin.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 Bruce Stieve, AIA, Marchetto Higgins Stieve  
Field of Expertise Architecture  
Address 1225 Willow Avenue, Hoboken, NJ 07030  
Telephone Number 201-79501905 Fax Number: \_\_\_\_\_  
E-mail Address: bstieve@mhsarchitects.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 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.

**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. TBS.**

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: 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  
\_\_\_\_\_ Other

Present (or previous) use: Vacant

Proposed use: Mixed-use building with 250 residential units and ground floor convenience retail/commercial

Number of Employees TBD Business hours As permitted by law.

**PROPERTY INFORMATION:**

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:  
Yes [attach copies]  \_\_\_\_\_ No \_\_\_\_\_ Proposed \_\_\_\_\_ See attached "Title Report"

*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

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? Bond, cash, letter of credit, 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS
Bayonne Municipal Utilities Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS
_____ Bayonne/Hudson County Health Dept.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
_____ Hudson County Planning Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LONI Request TBS
_____ Hudson County Soil Conservation District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS
NJ Department of Environmental Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS
Sewer Extension Permit (TWA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS
Sanitary Sewer Connection Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS
Stream Encroachment Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Waterfront Development Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Water Extension Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS
Wetlands Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Tidal Wetlands Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Other (specify) _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
NJ Department of Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____
Public Service Electric & Gas Company	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBS

**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) 

Applicant's Attorney in Fact \_\_\_\_\_  
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 28,745 s.f. Size of Building: 241,163 s.f. No. of stories: 11

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  No

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

See attached "Prior Approvals"

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"

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Explain how the proposed variances can be granted:

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

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

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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

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

N/A

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

N/A

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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

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8. List all witnesses expected to testify:

Bruce Stieve, Architect

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Matthew J. Neuls, Engineer

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John McDonough, Planner

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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"

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**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 10 day  
of NOVEMBER, 2022

  
\_\_\_\_\_  
A Notary Public of New Jersey

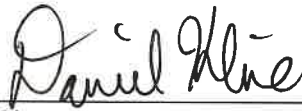
  
\_\_\_\_\_  
Signature of Applicant's Attorney

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 10 day  
of NOVEMBER, 2022

  
\_\_\_\_\_  
A Notary Public of New Jersey

  
\_\_\_\_\_  
Signature of Owner's Attorney  
Fulton Bayonne LLC  
Anak Bayonne 197 E LLC

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: 11/10/22

  
\_\_\_\_\_  
Signature of Applicant's Attorney

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



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



## CHAIN OF OWNERSHIP

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## ADDRESSES

1. Name of Entity Holding Title:

Fulton Bayonne LLC and Anak Bayonne 197E LLC, as tenants in common, each owning a 50% interest (hereinafter referred to as the "TIC Owner")

2. Name of Applicant:

197 AVE. E URBAN RENEWAL LLC ("Developer")

Developer has entered into a 99 year lease with the TIC Owner. Developer will obtain all permits and approvals which are necessary to construct and operate the Project as set forth in the Lease

3. Names and Addresses of all persons and entities involved in the development of the Project. (A copy of the Organizational Chart is attached hereto showing ownership of all the entities

- a. James Zorlas – 50% owner of Fulton Street Associates II, a NJ partnership.

Address: 3799 Rt 46 East, Suite 201  
Parsippany, NJ 07054

- b. Laurence Rappaport – 50% owner of Fulton Street Associates II, a NJ partnership

Address: 3799 Rt 46 East, Suite 104  
Parsippany, NJ 07054

- c. Fulton Street Associates II owner of 100% of Fulton Bayonne LLC

Address: Same as Laurence Rappaport

- d. Fulton Bayonne LLC – Owner of a 50% interest as tenant in common in 197 Avenue E, Bayonne, NJ

Address: Same as Laurence Rappaport

- e. Shai Benhamou, 100% owner of Anak Bayonne 197E LLC

Address: 88 Bleecker Street #1J, New York, NY 10012

- f. Anak Bayonne 197E LLC, owner of 50% interest, as tenant in common, in 197 Avenue E, Bayonne, NJ

Address: 88 Bleecker Street #1J  
New York, NY 10012

- g. 197 AVE. E URBAN RENEWAL LLC owned 50% by Fulton Bayonne LLC and 50% by Anak Bayonne 197E LLC

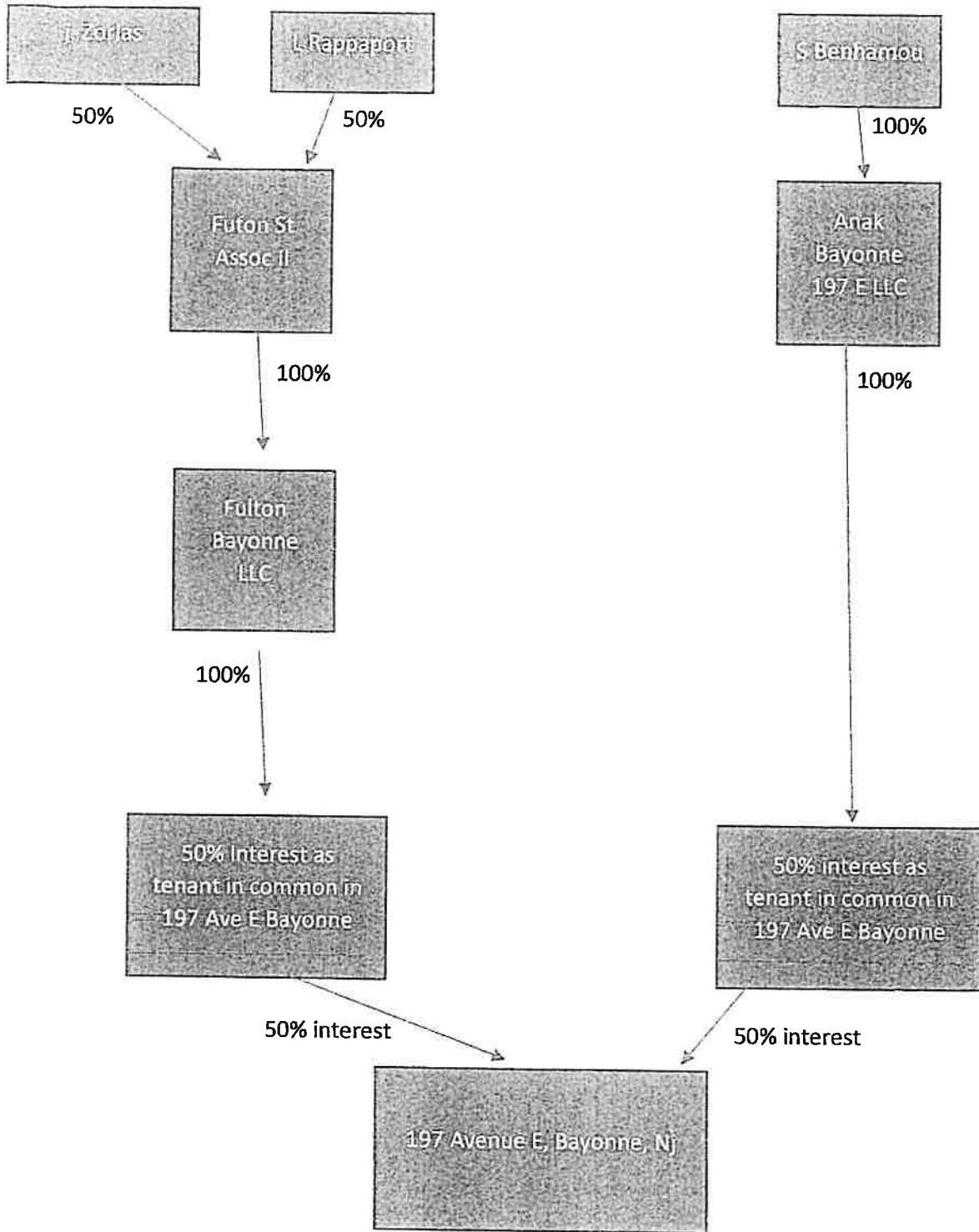
Address: 3799 Route 46 East, Suite 104

Parsippany, NJ 07054



197 Avenue E, Bayonne, NJ

Organizational Chart



## NOTES

The relationship between Fulton Bayonne LLC and Anak Bayonne 197 E LLC is governed by the Tenants n Common Operating Agreement.

Fulton Bayonne LLC and Anak Bayonne 197 E LLC, as tenants in common, are entering into a ninety-nine (99) year lease with 197 AVE. E URBAN RENEWAL LLC (f/n/a 197 Avenue E Development LLC), which provides for monthly rental payments commencing on the first day of the month after a Certificate of Occupancy is issued for the building to be constructed on the site. The Lease will be subordinated to the mortgage on the property. The development and construction of the Property will be conducted by 197 AVE. E URBAN RENEWAL LLC. Lender will have a security interest in all assets of 197 AVE. E URBAN RENEWAL LLC, as well as all assets related to the ownership of the land held by the Tenants in Common.

197 Avenue E Urban Renewal LLC is owned by James Zorlas (25%), Laurence Rappaport (25%) and Shai Benhamou(50%) , or affiliated entities.