

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 checked="" 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 175 Avenue A
 Block 300.01 Lot(s) 1,2,3; Block 301.03, Lots 1.02, 2, 3* Zone District Bayview Redevelopment Area *also Block 511, Lot 1
 Proposed use Mixed use redevelopment consisting of retail/commercial space and 1,100 residential dwelling units, as well as recreational and open space made available to the public.
 Lot Area See plans Building area (sq. ft total) See plans
 Number of off-street parking spaces See plans
 Area (in feet) of any adjoining property controlled by owner NA

*Applicant is owner of all lots except Block 301.03, Lot 1.02

2. Name of Applicant: Bayview JV, LLC c/o Larken Associates Phone No. c/o Michael Miceli 201-402-0674
 Address: 1250 Route 28/Easton Turnpike, Suite 101 E-mail: mike@primelaw.com
 Name of Owner: *West 6th Street Realty (BI 301.03, L 1.02 only) Phone No. _____
 Address: P.O. Box 1009, Bayonne NJ 07002 E-mail: _____

3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:

Applicant's Attorney Michael Miceli, Esq. (Prime & Tuvel)
 Address 1 University Plaza Dr., Suite 500, Hackensack, NJ 07601
 Telephone Number 201-402-0674 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 _____
 E-mail Address MNeuls@dresdnerrobin.com

Applicant's Planning Consultant John McDonough, P.P. (John McDonough Associates, LLC)
 Address 101 Gibraltar Dr., Suite 1A, Morris Plains, NJ 07950
 Telephone Number 973-222-6011 Fax Number _____
 E-mail Address jmcdonoughpp@gmail.com

Applicant's Traffic Engineer Jay S. Troutman, Jr., P.E. (McDonough & Rea Associates, Inc.)
 Address 105 Elm St., Westfield, NJ 07090
 Telephone Number 908-789-7180 Fax Number _____
 E-mail Address jayt@mratraffic.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 David Minno (Minno Wasko)
Field of Expertise Architecture
Address 2 Gateway Center Suite 1700, Newark, NJ 07102
Telephone Number _____ Fax Number: _____
E-mail Address: dminno@minnowasko.com; amailoux@minnowasko.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 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.

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: Resolution granting Preliminary and final major subdivision, Preliminary Major Site Plan, and Preliminary and Final Major Site Plan approval for Application No. 21-017, adopted November 9, 2021.

As to Block 301.03, Lot 1 (now Lot 1.02), preliminary and final major site plan approval, Memorialized July 12, 2016.

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: Previously approved mixed-use project including 1,100 residential units.

Proposed use: See Statement of the Applicant describing proposed modifications to prior approval.

Number of Employees TBD Business hours In accordance with legal requirements

PROPERTY INFORMATION:

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

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: Existing commercial uses

Is a public water line available? Yes

Is public sanitary sewer available? Yes

Are any off-tract improvements required or proposed? Yes See statement of the Applicant

Is the subdivision to be filed by Deed or Plat? Deed

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	<u>X</u>	<u> </u>	Approval received 01/30/2023
Bayonne Municipal Utilities Authority	<u>X</u>	<u> </u>	In connection w/ prior site plan approval
<u> </u> Bayonne/Hudson County Health Dept.	<u> </u>	<u>X</u>	<u> </u>
<u> </u> Hudson County Planning Board	<u> </u>	<u> </u>	<u> </u>
<u> </u> Hudson County Soil Conservation District	<u>X</u>	<u> </u>	TBD
NJ Department of Environmental Protection	<u> </u>	<u>X</u>	<u> </u>
Sewer Extension Permit (TWA)	<u>X</u>	<u> </u>	02/01/2023 - under review
Sanitary Sewer Connection Permit	<u>X</u>	<u>X</u>	<u> </u>
Stream Encroachment Permit	<u> </u>	<u>X</u>	<u> </u>
Waterfront Development Permit	<u>X</u>	<u> </u>	Approval Received 01/31/2022
Water Extension Permit	<u> </u>	<u>X</u>	<u> </u>
Wetlands Permit	<u> </u>	<u>X</u>	<u> </u>
Tidal Wetlands Permit	<u> </u>	<u>X</u>	<u> </u>
Other (specify) <u>Army Corps of Engineers</u>	<u>X</u>	<u> </u>	approved 6/16/23
NJ Department of Transportation	<u> </u>	<u>X</u>	<u> </u>
Public Service Electric & Gas Company	<u>X</u>	<u> </u>	TBD

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	Address	Interest
<u>See attached.</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>

Applicant's Signature(s) Daniel Klein

Attorney for Applicant
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 38,033 SF Size of Building: see plans No. of stories: 1

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested)* : 35-5.9(e)(4) - rear yard setback

35-17.5(a) maximum driveway curb cut width in commercial zone

35-17(a) no more than one driveway curb cut per lot

for the purpose of lot line adjustment and driveway relocation

All variance relief is being requested for Block 301.03, Lot 1.02

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:

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:

Planning Board Resolution P-16-020, memorialized July 16, 2020 granting preliminary and final site plan, bulk variance and waivers.

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 Statement of the Applicant. Additionally, testimony to be provided at hearing.

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 Statement of the Applicant. Additionally, testimony to be provided at hearing.

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.

The nonconforming lot is obtaining land from adjoining lot to lessen rear setback deviation.

Explain how the proposed variances can be granted:

- a. without substantial detriment to the public good See Statement of the Applicant. Additionally, testimony to be provided at hearing.
- b. without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan See Statement of the Applicant. Additionally, testimony to be provided at hearing.

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:

John McDonough, P.P., AICP (John McDonough Associates, LLC) 101 Gibraltar Drive, Suite 1A, Morris Plains, NJ 07950
Matthew J. Neuls, P.E. (Dresdner Robin) 1 Evertrust Plaza, Jersey City, NJ 07302

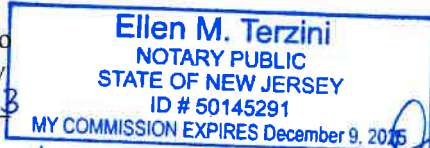
9. Waivers requested of Development Standards, powers or exemptions from N.J. RSIS and/or Submission Requirements: *[attach additional pages as needed]* none

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 28 day of June, 2023



Ellen M. Terzini
A Notary Public of New Jersey

Daniel Kline
Signature of Applicant
Attorney for 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 ___ day of _____, 201__

See Ownership Certification
Signature of Owner

A Notary Public of New Jersey

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: 6/28/2023

Daniel Kline
Signature of Applicant
Attorney for Applicant

**BAYVIEW JV, LLC
OWNERSHIP DISCLOSURE STATEMENT**

Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-48.1 and 40:55D-48.2, the following is a list of the names and addresses of all stockholders and/or partners owning at least 10% of Bayview JV, LLC, which has an address of 37 West 20th Street #307, New York, NY 10011:

1. Larken Bayonne JV Associates, LLC

Larken Bayonne JV Associates, LLC is owned by the following:

David Gardner 2017 Family Dynasty Trust and

Larry W. Gardner 2017 Family Irrevocable Dynasty Trust

The beneficiaries of the David Gardner 2017 Family Dynasty Trust are:

The children of David B. Gardner.

The beneficiaries of the Larry W. Gardner 2017 Family Irrevocable Dynasty Trust are:

The grandchildren of Larry W. Gardner.

Address: Larken Associates, 37 West 20th Street #307, New York, NY 10011,

c/o David B. Gardner, President/CEO

2. GaRE Venture Bayonne Bayview, LLC

GaRE Venture Bayonne Bayview, LLC is owned by Gallium Real Estate Venture, LLC.

Gallium Real Estate Venture, LLC is owned by HRH Meg, LLC.

HRH Meg, LLC is owned by the following entities:

Margery Sue Gottesman Generation-Skipping Trust;

Margery Sue Gottesman New Jersey Prime Trust No. 1;

Margery Sue Gottesman 2016 Directed Family Trust;

Margery Sue Gottesman New Jersey Subtrust; and

Other trusts owning less than 10% interest.

The beneficiaries of each of the above family trusts are as follows:

Margery S. Gottesman and Gary S. DeBode, a married couple, and their descendants.

Address: GaRE Venture Bayonne Bayview, LLC, 37 West 20th Street #307, New York, NY 10011, c/o Gary DeBode, CEO/Manager