

STATEMENT OF THE APPLICANT

BAYVIEW JV, LLC – APPLICATION FOR MINOR SUBDIVISION AND AMENDED PRELIMINARY AND FINAL SITE PLAN

Dated: June 28, 2023

APPLICANT: Bayview JV, LLC
PROPERTY: 175 Avenue A
LOCATION: Block 300.01, Lots 1, 2 & 3; Block 301.03, Lots 1.02, 2 & 3;
Block 511, Lot 1

Bayview JV, LLC (the “Applicant”) is the designated redeveloper of Block 300.01, Lots 1, 2 and 3, Block 301.03, Lots 2 and 3 and Block 511, Lot 1 (the “Bayview Property”). By resolution memorialized November 9, 2021 for Application No. P-21-017 (the “2021 Approval”), the Applicant received Preliminary and Final Major Subdivision approval to create eight new lots, consisting of five development lots (Lots 3.01, 3.02, 3.03, 3.04 and 3.05) (“Development Lots”) and three publicly accessible common lots (Lots 3.06, 3.07 and 1.01) (“Common Lots”).¹ Additionally, the 2021 Resolution granted Preliminary and Final Site Plan approval for the Bayview Property with the exception of Lot 3.04, which received Preliminary Site Plan approval.

Pursuant to the Bayview Redevelopment Plan, the 2021 application sought approval to construct a mixed-use development consisting of 1,100 residential units, approximately 55,000 square feet of retail/commercial space, areas for publicly accessible recreation, and other related site improvements including but not limited to parking, roadways, signage, landscaping and stormwater infrastructure (the “Project”).

In this application, Applicant is seeking Minor Subdivision, Amended Preliminary and Final Site Plan, and Final Site Plan approval (the “Application”). The property that the subject of the Application is the Bayview Property and an adjoining property known as Block 301.03, Lot 1.02 (“Lot 1.02”) (the Bayview Property and Lot 1.02 collectively, the “Property”). Lot 1.02 is located in the C-2 Community Commercial District.

The Minor Subdivision component of this Application is for Block 301.03, Lots 2, 3 and 1.02, which were not a subject of the subdivision approval granted in 2021. Lot 1.02, owned by West 6th Street Realty, LLC, was not a part of the 2021 application. In this application for Minor Subdivision approval, Applicant is relocating lots lines which results in portions of Lots 2 and 3 becoming part of existing Lot 1.02. No new lots are being created as a part of this Minor Subdivision. As part of the Minor Subdivision, a variance will be required from Code §35-5.9(e)(4) for the rear yard setback. For Lot 1.02, the required rear yard setback is 20 feet. Currently existing is a 0-foot setback, and after the lot line adjustment the rear setback will be 12 feet.

¹ Applicant is actively working to perfect the Subdivision Application approval and understands that should the Board act favorably on the Application (hereinafter defined), perfection of the Subdivision Application approval would be a condition of approval.

The Amended Preliminary and Final Site Plan component of this Application encompasses a number of amended or new aspects of the 2021 application. They include the following:

- Final Site Plan Approval for Lot 3.04
 - The Bayview Redevelopment Plan provides for 825 dwelling units, plus a bonus for 275 additional dwelling units if certain conditions are met. Lot 3.04 is the site for that designated 275-unit density bonus. As Applicant has met the conditions for the density bonus, Applicant is seeking Final Site Plan approval for Lot 3.04. Applicant has met those conditions as follows:
 - The proposed second access point to Avenue A has been approved by the outside agencies. Applicant will provide a second site entrance from Avenue A and will provide the traffic improvements required by the redevelopment plan;
 - Applicant is complying with the City Engineer's recommendations for the provision of traffic, pedestrian and other improvements to Avenue A;
 - Applicant is providing 25 publicly-available parking spaces related to the 18,454 SF of open space in areas B and C;
 - Applicant is providing a minimum 1,200 linear feet of off-site waterfront access (which may be satisfied by financing, via a cash contribution, the City's construction of same); and
 - Applicant will construct 1,700 SF waterfront pier, which meets the minimum requirement of a 1,600 SF waterfront pier.
- Amended Site Plan for Lot 1.02
 - This lot contains an existing small strip mall that was not part of the 2021 application. The proposed changes include closing Lot 1.02's northern driveway to Avenue A and installing two additional parking spaces where the former driveway was located. Additionally, a new access to the New Road will be provided to Lot 1.02 through a new driveway, which will provide access to the signalized intersection at Avenue A.
 - The Amended Site Plan for Lot 1.02 requires the following variances:
 - §35-17.5(a), which permits a maximum driveway curb cut of 10 feet in width, whereas applicant proposes a 22-foot width.
 - §35-17.5(a), which permits only one driveway curb cut per lot, whereas two exist on Lot 1.02 and Applicant is relocating the second driveway.
- Traffic Signal Improvements on Avenue A²
 - At the time of the 2021 Approval Applicant proposed a potential signal at southern entrance drive. Applicant is now affirmatively including that the signalized intersection at Avenue A and New Road and the design has been finalized.³
- Amended Preliminary and Final Site Plan approval
 - The waterfront pier shape had to be modified in order to not be wider than 8 feet in accordance with the NJDEP Coastal Zone Management Rules (N.J.A.C.). The total size of the pier has not changed and remains 1,700 square feet in area.

² The Applicant qualified for both residential and commercial density bonuses as a result of the 2021 Approval.

³ By virtue of this submission, the Applicant is asking the City Engineer to confirm we comply with the density bonus requirements relative to traffic improvements for Avenue A.

- Site layout modifications to accommodate the architectural revisions to Building B4.
- As part of the Final Site Plan Approval, Applicant proposes the following architectural revisions:
 - Relocated garage entry
 - Relocated residential and retail loading area
 - Relocated residential lobby
 - Expanded retail frontage and area increased from 4,780 SF to 5,031 SF
 - Restaurant area increased from 18,105 SF to 18,822 SF
 - Bike storage relocated to ground floor
 - Relocated utility rooms
 - Relocated residential amenities
 - The unit mix is adjusted to 13% Studios, 44% 1 BR, 40% 2 BR and 3% 3 BR.
 - Parking spaces increased from 396 to 406 in the garage

As part of the Application, Applicant will seek a variance pursuant to N.J.S.A. 40:55D-70(c)(1) from City Code §35-5.9(e)(4) for the rear yard setback with respect to the Minor Subdivision component of the Application. For Lot 1.02, the required rear yard setback is 20 feet. Currently existing is a 0-foot setback, and after the lot line adjustment the rear setback will be 12 feet. The reason for the variance is the exception narrowness, shallowness and shape of the existing lots. Strict application of the regulation is impossible due to the existing, approved building, and granting the variance relieves the scope of the current non-conformity and brings the property into a more compliant situation. As such, granting the variance will cause no substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan or zoning ordinance.

As part of the Application, with respect to the amended site plan for Lot 1.02 component, Applicant seeks two variances pursuant to N.J.S.A. 40:55D-70(c)(2). Applicant seeks a variance from City Code §35-17.5(a), which permits a maximum driveway curb cut of 10 feet in width, whereas applicant proposes a 22-foot width; and from City Code §35-17.5(a), which permits only one driveway curb cut per lot, whereas two exist on Lot 1.02 and Applicant is relocating the second driveway. The reason for these requests is to improve site access and circulation. As such, the granting of the variances would advance several purposes of the Municipal Land Use Law at N.J.S.A. 40:55D-2, including but not limited to sections (a), (b), (h) and (i). As the deviation increases safe access to and from the site and improves circulation within the site and adjoining roadways, the benefits of granting of the variances substantially outweigh any detriments. As such, granting the variance will cause no substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan or zoning ordinance.

As part of the Application, Applicant also seeks an extension of Preliminary and Final Major Subdivision pursuant to N.J.S.A. 40:55D-52(d) or (e) for a period of one (1) year to perfect its subdivision approval, which would expire on November 9, 2023. Applicant requests this extension due a delay in receiving necessary outside agency approvals and because of the number of dwelling units, economic conditions and the comprehensiveness of the development.

Additionally, the 2021 Approval granted Extended Zoning Protection for a period of 20 years on the Preliminary and Final Major Site Plan, and 5 years on the Preliminary Site Plan for Lot 3.04. With this Application, Applicant requests 20 years zoning protection from the date of this approval for Preliminary and Final Major Site Plan approval for all Development Lots because of the number of dwelling units, economic conditions and the comprehensiveness of the development.

The Applicant requests submission waivers of the following:

(1) Checklist item I.2 – Order of the Administrative Officer because the Municipal Land Use Law permits direct application to this Board;

(2) Checklist items I.14, I.15 – The Applicant is also requesting a partial waiver for the Application’s amendment fees and escrow only as the City is currently amending its fee ordinances and the Applicant will comply with the new fee schedule upon passage of said ordinance. Partial fees and escrow fees are being submitted in connection with the Application, which covers fees and escrow for other portions of the Application;

(3) Checklist item IV.3 – Applicant requests a partial waiver from submitting “depiction of exterior buildings, facades and floor plans with parking dimension.” For the buildings that received preliminary and final approval by way of the 2021 Approval, there are no changes and no plans are submitted. With this Application Applicant submits depiction of exterior buildings, facades and floor plans for Lot 3.04 on which Applicant seeks Final Site Plan approval.

The Applicant is also seeking a waiver of the Redevelopment Plan’s requirement for a TRC meeting, as an initial meeting has already occurred in connection with the 2021 Approval, and the Applicant has met informally with the City’s professionals regarding the instant Application.