

## **STATEMENT OF THE APPLICANT**

Duke Realty Bayonne Urban Renewal, LLC (the “Applicant”) is the owner of Block 478, Lots 1 and 1.01 as shown on the Tax Records of the City of Bayonne (“City”), New Jersey (the “Southern Parcel”) and the contract purchaser of a portion of Block 466, Lot 1, and all of Block 466, Lots 2, 3, and 4, and Block 465, Lot 9, as shown on the Tax Records of the City (together with the remainder of Block 466, Lot 1, the “Northern Parcel”) (the Northern Parcel and Southern Parcel being collectively, the “Property”).<sup>1</sup> The Property, which is approximately 127.8 acres<sup>2</sup> in size, is located in the City’s Central Constable Hook Redevelopment Zone (the “Redevelopment Zone”). The Property currently contains an existing tank farm and administrative offices. The Property is subject to the Central Constable Hook Redevelopment Plan (the “Redevelopment Plan”).

The Applicant previously obtained preliminary and final major subdivision approval and associated relief to subdivide Block 466, Lot 1 and Block 465, Lot 9 (the “Subdivision Application”) into two (2) new lots: Block 466.01, Lot 1, which will consist of approximately 37.7581 acres (“Approved Lot 1”); and Block 466.01, Lot 2, which will consist of approximately 6.1972 acres (“Approved Lot 2”).<sup>3</sup> As part of this Application, Applicant seeks to consolidate Block 466, Lots 2, 3, and 4 (remaining Northern Parcel lots) with Approved Lot 1 (“Proposed Lot 1”).

The Applicant is seeking preliminary and final major site plan approval and bulk variance and/or design exception/waiver relief (the “Application”), to construct a total of five (5) solar-ready warehouses totaling approximately 1,682,880 square feet on the Southern Parcel and Proposed Lot 1 for use as a Warehouse Distribution Facility, as permitted as a principal use by the Redevelopment Plan. Building 1 is approximately 1,076,579 square feet, with 170 loading docks, 381 trailer stalls and 392 proposed parking spaces. Building 2 is approximately 151,613 square feet, with 30 loading docks and 148 proposed parking spaces. Building 3 is approximately 124,496 square feet, with 29 loading docks and 104 proposed parking spaces. Building 4 is approximately 110,245 square feet, with 11 loading docks, 17 trailer stalls and 128 proposed parking spaces. Building 5 is approximately 219,947 square feet, with 44 loading docks, 42 trailer stalls and 160 proposed parking spaces. The Application proposes a total of 932 parking spaces, which includes 35 EV spaces. The proposed improvements are to be constructed on the Southern Parcel and Proposed Lot 1. Construction of the improvements may require certain utility and/or pipeline relocation. Existing uses and structures are to remain on Approved Lot 2.

The Property will have two access points from public streets, one entrance through frontage on East 22<sup>nd</sup> Street and Coleman Way (a.k.a. Avenue J) on the Northern Parcel and one entrance through frontage on Hook Road on the Southern Parcel. The Northern Parcel and Southern Parcel will be connected via a crossing over Block 506, Lot 2. The Applicant has an approved license

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<sup>1</sup> The Property also includes the portion of Block 466, Lot 1 that the Applicant is not purchasing.

<sup>2</sup> The Property and associated acreage does not include Block 506 Lot 2, on which a crossing will be constructed, as further described herein.

<sup>3</sup> Applicant is actively working to perfect the Subdivision Application approval and understands should the Board act favorably on the Application (hereinafter defined), perfection of the Subdivision Application approval would be a condition of approval.

agreement with Conrail for that crossing. The Conrail Parcel is located in the I-H Zone; however, the placement of Conrail facilities is not subject to local zoning approval. The Applicant is showing the crossing solely for purposes of review by the Board. Access to Approved Lot 2, which was approved as part of the Subdivision Application, will be provided via access easement through Proposed Lot 1. Proposed Lot 1, Approved Lot 2, and the Southern Parcel will have connectivity to East 22<sup>nd</sup> Street, Coleman Way and Hook Road through the internal streets and/or drives.

The Applicant further seeks site approval for bicycle parking, fences, walls, lighting, utilities, landscaping, signage, and additional permitted accessory uses, with some of the Property's existing uses to remain on Approved Lot 2 (which is specifically permitted by the Redevelopment Plan).<sup>4</sup> The Applicant will also be satisfying its recreational space obligation by a combination of providing on-site recreational space and an in-lieu payment to the City pursuant to Redevelopment Plan §2.5.13. The Application's proposed use is permitted as-of-right in the Redevelopment Zone.

The only variance relief that is required is for a minor deviation to allow additional ground signs to improve way-finding in and around the Property, which will improve safety and security on the Property and the surrounding road network (§2.5.17(a) of the Redevelopment Plan permits a maximum of one (1) ground sign at each street, for a total of five (5) permitted ground signs, whereas Applicant seeks approval to install eight (8) ground signs). The safety benefits of this additional signage far outweigh the virtually non-existent detriments associated with that deviation. The additional ground signs will provide safer and more efficient vehicular navigation to and within the Property and furthers the goals of the Redevelopment Plan and the City's Master Plan to promote industrial growth and development in this premier industrial location, as the proposed development will generate employment growth, promote the re-use of a contaminated site and suits the unique character and niche market in which the Property is located.

The proposed development advances several goals of the New Jersey Municipal Land Use Law, including but not limited to encouraging the appropriate use or development of land, promoting the public health safety and welfare, contributing to the well-being of persons, neighborhoods, communities and regions, encouraging the location and design of transportation routes which promote the free flow of traffic and reduce congestion or blight and promotes a desirable visual environment. The additional signage will cause no detriment to the public good, as it will enhance safety and circulation, both on and off the Property, nor will the additional signs cause any impairment to the Master Plan or Redevelopment Plan, as their purpose is to promote and enable the goals of each. Expert testimony will be provided at the hearing to support the approvals and relief requested above.

The Application also seeks 20-year extended zoning protection for the project pursuant to N.J.S.A. 40:55D-52.b and/or e. This project qualifies for this extension, proposing hundreds of thousands more non-residential floor area than required to meet the qualifications for this extension. Further, as the Board is aware, economic conditions have been unstable in the post-COVID world, where supply chain issues, construction cost increases, and inflation have created

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<sup>4</sup> Additionally, Applicant is seeking a permit from the Army Corp of Engineers to replace the existing bulkhead in order to support a future maritime use.

uncertainty in the development world. Finally, this is a comprehensive project with over 1.5 million square feet of non-residential floor area that will develop over 120 acres of previously contaminated property that has not been used for decades. The project will be constructed over several years as environmental remediation continues and will very likely be constructed in multiple phases.<sup>5</sup> Extended zoning protection of 20 years will be required to ensure that the zoning remains stable over that period to allow for the full construction of this project, remediation of the Property, and the realization of the Redevelopment Plan's vision for the Property.

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 item I.6 – Applicant requests a waiver from providing written permission from Conrail at the time of application filing. Applicant has already received a License Agreement for Private Crossing from Conrail for its proposed crossing over Block 506, Lot 2 and anticipates submitting additional written consent from Conrail in advance of the hearing, if required.

(3) Checklist item I.8 – Applicant requests a partial waiver from providing copies of any protective covenants, deed restrictions or easements, and a complete waiver from providing copies of any protective covenants, deed restrictions or easements for Block 506, Lot 2. The Application only proposes a crossing over the portion of Block 506, Lot 2, over which the Applicant has an approved license agreement with Conrail for same. Applicant is submitting electronic copies, but requests a waiver from providing physical copies as records are voluminous.

(4) Checklist item II.1. – Map size required to be 12" x 18", 18" x 24" or 24" x 36" whereas Applicant is submitting 30" x 42" plans due to the size of the Property; and

(5) Checklist item IV.9 – Landscaping plan showing the location, species and size of proposed trees, shrubs, buffers and seeded or ground cover areas, including the plan's extent of tree removal and inventory of materials removed whereas Applicant requests a partial waiver for inventory of materials removed due to the disturbed, industrial nature of the Property which is undergoing environmental remediation.

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<sup>5</sup>The Applicant has submitted a phasing plan in connection with the Application. However, the Applicant requests flexibility in regards to the phasing plan and requests that the Board allow changes to the phasing plan in coordination with the City.