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Via Facsimile (c/o alosonczy@baynj.org)

Karen Fiermonte, Chairperson
Planning Board
City of Bayonne
630 Avenue C
Bayonne, New Jersey 070020

**Re: Bayonne Luxury Waterfront, LLC
219 West 5th Street
Application for Preliminary and Final Major Site Plan Approval
and Minor Subdivision Approval**

Dear Ms. Fiermonte:

We write in behalf of Palmer Asphalt Company (“Palmer”) regarding the above-referenced matter. Palmer owns property located at 191 West 5th Street and will be directly impacted by the applicant’s proposed project.

Palmer was approached by a representative of the applicant, Bayonne Luxury Waterfront, LLC (“BLW”), regarding a proposed sidewalk within West 5th Street approximately twenty (20) feet from the boundary line of Palmer’s property at 191 West 5th (“Warehouse”). Palmer has been provided Layout Plan and Grading Plan that shows the proposed sidewalk flush with the current grade of West 5th Street.

Palmer understands that this sidewalk is required under the Redevelopment Plan (“Plan”) adopted specifically for the BLW property. That Plan requires the provision of “pedestrian and bicycle friendly and illuminated sidewalk from the Redevelopment Area to 5th Street including improvements to the existing off-site Right of Way.” Plan, §2b at p. 10. The plan provides further that “[t]he sidewalk shall consist of street trees, lighting and street furniture.” Plan, §2c at p. 10. Further Plan requires “[p]rovisions for street pedestrian and bicycle connectivity with 5th Street and Avenue A....” Plan, §11b at p. 114.

West 5th Street has several commercial operations, including Palmer that has its manufacturing facility on the south side of the street across from the Warehouse. As a result, there is vehicular traffic traversing the street during business hours, Monday through Friday 7:30 AM – 4:30 PM. Palmer’s business also receives and ships product by trucks that gain access over West 5th Street. Another business on West 5th Street is Encore Petroleum and Fluitec both of which utilizes trucks. We note also that traffic along West 5th Street has increased significantly with the new Amazon warehouse immediately south of the BLW and Palmer properties.

While Palmer appreciates the desire of the City as set forth in the Plan, a public walkway through this busy commercial industrial area does not appear to be in the best interests of the existing commercial businesses or the new residents of BLW’s proposed development. We note that the recently approved development on the former A&P site, Block 300.01, Lot 3, (“Bayview”) will also provide for pedestrian access to Avenue A and that plan requires a sidewalk out to West 5th Street immediately to the west of Palmer’s Warehouse. The Planning Board is requiring connectivity between the two developments. It seems to make more sense that pedestrian traffic from BLW to Avenue should be through the Bayview property that will offer retail establishments (that do not exist on Avenue A within reasonable walking distance of the BLW property). As both developments resulted from the public-private partnerships under the Local Redevelopment and Housing Law, presumably both owners would be willing to accommodate this request that benefits their projects as well as the public.

In the event the Board approves the project with the sidewalk as proposed by BLW, Palmer respectfully requests the Board impose the following conditions:

1. The sidewalk should be at grade to allow continued on-street parking. To the extent the Board determines that other fixtures as provided in the Plan are required, they should be spaced to accommodate on-street parking.
2. The introduction of pedestrian traffic in this area presents many considerations that must be addressed by the Board to ensure the safety of pedestrians and Palmer personnel. Such measures should include signage, bollards, and an alert system at the Warehouse overhead doors to warn pedestrians of vehicles exiting the warehouse. The cost of such measures should be borne by BLW.
3. BLW should assume all obligations for sidewalk maintenance and snow and ice removal as provided under Bayonne Municipal Code, including but not limited to Sections 25-4(a) and 25.5 as well as any obligations imposed by future ordinances.
4. BLW’s installation of the sidewalk should be done by sawcuts with expansion joints between the sidewalk and remaining asphalt or concrete.
5. BLW should provide at least thirty (30) days notice to adjoining owners of the planned commencement of the installation of the sidewalk with an accompanying construction schedule that should be phased to ensure access to the impacted properties while the work is ongoing.
6. BLW should indemnify adjoining owners for all claims arising from the construction of the sidewalk and public use of same, except for any claims arising from the negligence of an owner.

Palmer intends to appear at the hearing presently scheduled for March 8, 2022 and will move then to include this correspondence in the record.

Palmer Asphalt appreciates the Board's time and consideration of the foregoing requests.

Very truly yours,

CONNELL FOLEY LLP



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