

**COMPLIANCE REVIEW - ENGINEERING
PROPOSED MODIFICATION OF
PRELIMINARY & FINAL MAJOR SITE PLAN APPROVAL
APPLICANT : MAHALAXMI FLAGSHIP URBAN RENEWAL, LLC
PORTION OF BLOCK 751, LOT 1.04
CITY OF BAYONNE, HUDSON COUNTY, NEW JERSEY**

MATRIX **NEW** **WORLD**
Engineering Progress

Prepared by:
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MATRIX JOB NO. 13-454



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INTRODUCTION

Matrix New World Engineering, Land Surveying and Landscape Architecture, P.C. (Matrix) has performed a review of the Applicant's request to modify the Preliminary and Final Site Plan Approval previously issued by the City of Bayonne Planning Board (the "Board") (Resolution P-17-013, dated August 18, 2017).

The previously approved project (marketed as the "The Waterview"), which was completed in 2020, principally consists of a 5-story building and associated site improvements (surface parking, patios, etc.). The Applicant's Narrative Statement for the Application seeks to "*modify the layout of the ground floor to accommodate the fit-out of several proposed retail uses, including 1,460 square feet for retail, space for a 6,180 square foot daycare facility and a total of 5,419 square feet of restaurant space.*" In addition (although not noted in the Application narrative), the Applicant is required to seek the Board's approval to remedy discrepancies between the board-approved plans and those that were actually constructed. Specifically, the Applicant is seeking after-the-fact approval for changes in the mix, location and size of residential units within the interior of the building.

This report is supplementary to a prior engineering report issued by my office on April 11, 2021 addressing a prior version of this application (the "Original Application"). The Original Application engineering review is referenced herein.

APPLICATION DOCUMENTS

The application package reviewed by Matrix includes the following:

1. City of Bayonne Preliminary and Final Site Plan Application Forms and supporting documents
2. City of Bayonne Development Application Checklist and supporting documents
3. Statement of Applicant
4. Traffic Evaluation entitled, "*Traffic Engineering Evaluation Update and Shared Parking Calculations, Waterview, Lot 1.04, City of Bayonne, Hudson County.*" Prepared by Klein Consulting, LLC and dated March 27, 2021.
5. Plans entitled, "*Amended Final Major Site Plan; The Waterview; Block 751, Lot 1.03; City of Bayonne, Hudson County, New Jersey,*" prepared by Insite Engineering, LLC and last revised May 26, 2021.
6. Architectural Plans entitled, "*Construction Drawings for Juice Bar Tenant Fitout Interior Renovation.*" Prepared by Mistry Design and last revised March 5, 2020.
7. Architectural Plans for Restaurant Fit-Out entitled, "*Tenant Fit-Out For Mitesh Patel,*" Prepared by Kawalek & Kawalek and last revised January 19, 2021.
8. Architectural Plans for Building entitled, "*The Waterview Multi-Family,*" Prepared by Gro Architects and last revised May 21, 2021.

The proposed changes are subject to the Harbor Station South Redevelopment Plan, last revised December 2015.

PROPOSED BULK STANDARDS

As identified in the companion planning report issued by CME for this application, the Bulk Standards referenced below remain compliant with the Redevelopment Plan. The only proposed change in bulk standards is a marginal increase in the proposed impervious coverage from 83% to 85% (the max. allowable is 90%).

Bulk Standards Redevelopment Plan			
Regulations	Redevelopment Plan	Existing	Proposed
Min. Tract Area	n/a	92,153	No change
Min. Sidewalk Width (ft)	10	10'	No change
Max. Building height (sty)	10	5	No change
Min. Building height (sty)	1	5	No change
Max. Building Height (ft)	120	58	No change
Max. Impervious Cov (%)	90	83	85
Min. Open Space (%)	15%	17%	No change
Min. Off street Loading Zone	12 ft. x 40 ft.	12 ft. x 40 ft.	No change

PROPOSED RESIDENTIAL UNIT MODIFICATIONS

The previous board approval authorized construction of 97 residential units. The Applicant constructed 97 units; however, the location and mix of units is different from what was approved. An excerpt from the CME Planning Report that itemizes the discrepancies between the approved and as-built plans is presented below.

Type of Units	Number of Units per approved 2017 plan	Number of Units built (seeking amendment)
Studio	3	16
One Bedroom	59	56
Two bedroom (super)		1
Two bedroom	35	24
Total	97	97

In order to achieve the higher density of units on the upper floors, their size mix was modified with the net effect of reducing the average unit size.

Matrix defers to the City planning experts to address the acceptability of these changes from a use perspective.

PROPOSED COMMERCIAL MODIFICATIONS

The first floor of the building was substantially modified from the approved plans. All but one of the previously approved residential units were removed from the ground floor and relocated to upper floors. The space vacated by the residences was changed to commercial space, resulting in an approximately 7,500 s.f. of increase in commercial space.

Matrix defers to the City planning experts to address the acceptability of these changes from a use perspective. In addition to the clarifications requested by CME, Matrix requests that the Applicant provide testimony regarding the preservation of building amenities (e.g. bicycle storage, gym, etc.) in the revised design.

ENGINEERING EVALUATION OF PROPOSED AMENDMENT

Parking/Loading

As noted above, the number of proposed residential units remains the same as the prior approval. However, the proposed non-residential space would increase to a total of 13,538 sf. The Redevelopment Plan requires 3 spaces per 1,000 s.f. of non-residential space; therefore, the total number of spaces required for non-residential use is 41.¹

The Redevelopment Plan requires 1.1 spaces per residential unit. Therefore, the required number of spaces for the 97 residential units is 107 spaces.

The total amount of requires parking spaces to satisfy the amendment is 148.

The Applicant is proposing to satisfy the required parking by providing the same 127 spaces that were approved in the original submittal (and are already constructed), but is requesting that the Board approve use of the Redevelopment Plan's shared parking provision (cited below).

A parking space may be counted towards the parking requirement for two or more complementary uses, provided that:

- 1. The Redeveloper demonstrates to the satisfaction of the Planning Board that the peak parking demand by each use shall not substantially overlap based on time of day*
- 2. No more than fifty per zone (50%) of the total required parking spaces calculated separately by use shall be shared spaces.*
- 3. In the absence of extenuating circumstances, office and residential uses shall be deemed non-overlapping uses.*

The minimum number of parking spaces for multiple-use non-simultaneous contiguous developments where shared parking strategies are proposed shall be determined by the most recent shared parking methodology of the Urban Land Institute (ULI), Victoria Transport Policy Institute (VTPI) or Institute of Transportation Engineers (ITE).

Provision of car sharing services, such as Zipcar, may also be accepted, at the Planning Board's discretion, as a contributing means to reduce the total parking supply.

The Applicant has provided a professional report (Klein Consultants, LLC) that demonstrates describes a shared parking analysis conducted in accordance with the Redevelopment Plan. The report concludes that the proposed 127 spaces exceeds the parking demand for the amended Site Plan, provided the shared parking allowed by the Redevelopment Plan is authorized by the Board. The consultant's report specifies that the peak demand for parking at the facility will be 107 spaces between midnight and 6 am (127 spaces are provided), and relies heavily upon an assumption that 50% of cars will vacate the premises during the day-time hours and that those spaces would be available for the non-retail uses. The consultant proposes that none of the proposed spaces be dedicated to a particular use (residential or non-residential).

Matrix concludes that the shared parking provision is applicable to the proposed amendment. However, we recommend that the Board request testimony from the traffic/parking expert to clarify their conclusions. In particular, the expert's report does not appear to account for the case when the evening operation of the retail and restaurant uses. The anticipated success of the proposed restaurant would likely involve evening operation, which would occur when residents have returned home and are utilizing their parking spaces. The expert should also provide testimony concerning the likelihood that childcare dropoff activities will likely occur prior to the exit of many of the daytime residents from their parking spaces. Both of these testimony topics must address the requirement that *"The Redeveloper demonstrates to the satisfaction of the Planning Board that the peak parking demand by each use shall not substantially overlap based on time of day."*

Parking for all of the non-residential uses is provided in the on-site parking lot at the rear of the building. All of the non-residential uses have entrances at the front of the building. The Applicant shall clarify whether non-residential patrons will be permittee to pass through the lobby to access the non-retail uses and whether wayfinding signage will be provided for pedestrians.

The proposed day care facility is a loading-intensive use. The Applicant shall provide testimony concerning the existing parking facility's capacity to accommodate the day care facility's loading demands and shall also discuss how the traffic report considered the uniqueness of the timing of the day care facility's dropoff and pickup schedule. Testimony concerning the safety considerations unique to the introduction of day care pedestrian traffic into the parking lot has been accommodated.

The Applicant shall not dedicate any parking to any one use. The parking spaces are presently numbered and/or reserved for particular uses. All parking designations, except those required for ADA accessibility and loading shall be removed.

The Applicant shall provide testimony regarding whether the restaurant space is proposed to accommodate extra-ordinary parking demand events (e.g. receptions, etc.) that could stress the off-site parking provisions, and whether the Applicant will enact contingency plans for these events including valet parking.

Traffic

The traffic/parking expert's report concludes that the proposed increase in non-residential use would result in the following, when applying to updated (2019) NJDOT guidance:

- AM Peak Hour – Decrease of 48 trips
- PM Peak Hour – Increase of 7 trips
- Saturday Peak Hour – Increase of 46 trips

Matrix agrees with the expert's conclusions that these values do not represent a substantial change from the previously approved plan's trip-generation; however, we require more clarification from the expert. Specifically, the Board should request testimony from the expert to explain why trips would decrease in the AM Peak Hour, but the number of units remains the same and the non-retail space increased. The expert should also explain which "original" architectural plan was utilized to make the calculations.

Outdoor Cafe

The proposed retail outdoor patio is connected to the restaurant. The Applicant shall confirm that the proposed use and/or development does not conflict with the overlapping sanitary sewer easement shown on the plan. The Applicant shall also confirm if any outdoor seating is proposed on the elevated sidewalk fronting the building.

Outdoor Play Area

The Applicant shall provide additional information concerning the outdoor play area, including details of the proposed surface, equipment (if any) and fencing. Applicant shall provide comply with any standards applicable to play areas and daycare facilities.

Signs/Awnings

The Applicant has not proposed any signage or awnings in the amendment application. Therefore, no signage or awnings shall be approved and any future proposed signage and/or awnings will be required to be approved through a zoning department permit, with no deviation from the standards contained in the Redevelopment Plan.

Refuse

The Applicant shall provide testimony regarding refuse handling. There is presently no outside refuse storage, and the increased non-residential uses will likely increase the amount of refuse generated by the building.

Water / Sewer

The proposed building use modifications will affect the calculated demands of the water/sewer system. Applicant shall prepare and resubmit modified calculations to the City Engineer and Suez

to determine the adequacy of the existing system and shall be responsible for any additional fees necessitated by the change of demand.

Affordable Housing Fees

The Applicant shall be responsible for any affordable housing fees necessitated by City ordinance and/or Redevelopment Agreement, including potential increases in fees necessitated by the increased size of non-residential uses.

TESTIMONY / DISCUSSION TOPICS

The Applicant shall provide testimony concerning all comments referenced above. This may be covered by a blanket statement that the Applicant accepts the comments of the Engineer and Planner or may be addressed on an item-by-item basis. The Applicant shall provide specific testimony concerning the circumstances regarding the discrepancy between the Board's previously approved architectural plan (floor layouts, unit locations and size, etc.) and the plan that has been presented in this amendment application. This office has only noted changes that can be ascertained from the proposed ground floor modifications. The Applicant shall provide a full accounting of changes from the approved plan (including any interior or exterior architectural elements) and shall seek approval for those changes by way of a specific request from the Board.

RECOMMENDATIONS FOR CONDITIONS OF APPROVAL (IF GRANTED)

Should the Board grant approval of the amendment request, Matrix recommends the following conditions of final approval. Evidence of compliance shall be provided by the Applicant to the City Engineer.

1. Satisfaction of all testimony, additional information, and plan revisions recommended herein and/or necessary to achieve compliance with the requirements specified herein.
2. Submittal of As-Built Architectural Drawings
3. Approval of the City of Bayonne Fire Official.
4. Approval by all federal, state, and local entities having jurisdiction over the proposed redevelopment.
5. Posting of Performance Guarantees and Inspection Fees in the amount determined by the City Engineer and in compliance with applicable City ordinances.
6. Payment of all non-residential affordable housing fees applicable to the Project.
7. Review and approval of the sanitary sewer and potable water utilities by the City Engineer and Suez.