

**NOTICE: WAIVER REQUESTS MADE IN CONNECTION WITH THIS APPLICATION FOR DEVELOPMENT MUST BE INDICATED AND WRITTEN JUSTIFICATION OF THE REQUEST MUST BE PROVIDED.**

**CITY OF BAYONNE APPLICATION FORM**

Date of Application: July 13, 2021

**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 type="checkbox"/> Major	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Unimproved Road
<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	<input type="checkbox"/> Amnesty Program
<input checked="" type="checkbox"/> Final		<input type="checkbox"/> Certificate of Nonconformity

Variations: None

1. Location of proposed development Avenue E, Bayonne, New Jersey  
Block 234, Lot 8.01 (157-163 Avenue E); Block 467, Lot 23 (132 Avenue E); Block 458, Lot 1.02 (140 Avenue E); and Block 458, Lot 1.03 (154 Avenue E) (the "Property")

Zone District Redevelopment Plan dated October 6, 2020  
Proposed uses Two multi-story mixed use buildings with multi-family residential units and retail/commercial ground level with off-site parking

Lot Area See plans Building Area See plans

Number of off-street parking spaces Total of 409 parking spaces provided: 389 automated parking spaces within Subdistrict B building and 20 parking spaces at surface parking lot on east side of Avenue E

Area (in feet) of any adjoining property controlled by owner NA

2. Name of Applicant AMS Equities, LLC  
Address 488 Madison Ave., Ste, 1901, NY, NY 10022  
Phone c/o Michael Miceli, Esq. 201-403-1100 Email mmiceli@weiner.law

Name of Owner See attached Owner Consents.

**3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES**

Applicant's Attorney	<u>Weiner Law Group LLP, Michael Miceli, Esq.</u>
Address	<u>629 Parsippany Rd., Parsippany, NJ 07054</u>
Telephone Number	<u>973 403 1100</u>
Email	<u>mmiceli@weiner.law</u>
Applicant's Engineer	<u>Dynamic Engineering, LLC</u>
Address	<u>245 Main Street, Suite 110, Chester NJ 07930</u>
Telephone Number	<u>908-879-9229</u>

Applicant's Architect	<u>Marchetto Higgins Stieve, Architects</u>
Address	<u>1225 Willow Avenue, Hoboken, NJ 07030</u>
Telephone	<u>201-795-1505</u>
Applicant's Planning Consultant	<u>John McDonough Associates, LLC</u>
Address	<u>101 Gibraltar Drive, Suite 1A, Morris Plains, NJ 07950</u>
Telephone Number	<u>973-222-6011</u>
Applicant's Traffic Engineer	<u>Dynamic Traffic</u>
Address	<u>245 Main St., Ste. 110, Chester, NJ 07930</u>
Telephone Number	<u>732-681-0760</u>

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 Applicant will revise if applicable  
 Field of Expertise \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_

**All reports prepared in support of testimony should be submitted ten (10) days in advance of the public hearing.** Applicant will comply if applicable.

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 attached.
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.  
To be supplied.

**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.** Applicant will comply.

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. Applicant will comply.

7. Dates and types of prior development applications for this property.  
Prior Planning Board approvals received in response to OPRA filed on Applicant's behalf, see attached.

8. Type of Use Proposed
- Change in occupancy utilizing existing facilities
  - Addition or expansion of existing facilities
  - All new construction
  - Site work only
  - Other

Present (or previous) use Residential and retail  
 Proposed use See Paragraph 1 above  
 Number of Employees TBD Business hours TBD

**9. PROPERTY INFORMATION**

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:  
 Deeds Attached Yes Restrictions None known Proposed TBD

*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 See Paragraph 8 above

Is a public water line available? Yes

Is public sanitary sewer available? Yes

Are any off-tract improvements required or proposed? No

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

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.

**10. Other approvals which may be required, and date plans submitted:**

	Yes	No	Date Plans Submitted
Passaic Valley Sewage Commissioners	<u>X</u>	<u>   </u>	<u>TBS</u>
Bayonne Municipal Utilities Authority	<u>X</u>	<u>   </u>	<u>TBS</u>
Bayonne/Hudson County Health Dept.	<u>   </u>	<u>X</u>	<u>   </u>
Hudson County Planning Board	<u>   </u>	<u>X</u>	<u>   </u>
Hudson County Soil Conservation District	<u>X</u>	<u>   </u>	<u>TBS</u>
NJ Department of Environmental Protection	<u>X</u>	<u>   </u>	<u>   </u>
Sewer Extension Permit (TWA)	<u>X</u>	<u>   </u>	<u>TBS</u>
Sanitary Sewer Connection Permit	<u>   </u>	<u>X</u>	<u>   </u>
Stream Encroachment Permit	<u>   </u>	<u>X</u>	<u>   </u>
Waterfront Development Permit	<u>   </u>	<u>X</u>	<u>   </u>
Water Extension Permit	<u>X</u>	<u>   </u>	<u>TBS</u>
Wetlands Permit	<u>   </u>	<u>X</u>	<u>   </u>
Tidal Wetlands Permit	<u>   </u>	<u>X</u>	<u>   </u>
Other (specify) _____	<u>   </u>	<u>   </u>	<u>   </u>
NJ Department of Transportation	<u>   </u>	<u>X</u>	<u>   </u>
Public Service Electric & Gas Company	<u>X</u>	<u>   </u>	<u>TBS</u>

**11. DISCLOSURE STATEMENT- Ownership of Applicant**

Pursuant to N.J.S. 40:55D-48.1 and 40:55D-48.2, below is a list of the names and addresses of all persons owning 10% or more interest in the Applicant entity.

See attached Applicant-Entity Ownership Disclosure Statement.

WEINER LAW GROUP LLP

By:

Michael Miceli  
 Michael Miceli, Esq.  
 Attorneys for Applicant

Date signed: July 13, 2021

**VARIANCE RELIEF**

1. Application is hereby made for: No Variance Relief is requested.

NA Hardship or practical difficulties (See N.J.S.A. 40:55D-70c)

NA Use and/or structure (See N.J.S.A. 40:55D-70d)

2. Property Description:

Lot size Area See plans \_\_\_\_\_ Size of Building Area See plans \_\_\_\_\_ Number of stories Five

3. This request for variance relief consists of (*list sections of the Ordinance from which variance is requested*) NA  
for the purpose of \_\_\_\_\_

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.

NA Applicant is presently only seeking the use variance with the subsequent relief to be considered following the granting of the use variance.

NA Applicant is presently seeking all of the necessary relief. (*Bifurcate the application*).

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 NA No NA

If so, attach copies of previous approvals and/or state the date, application number, character of appeal and disposition.

NA  
\_\_\_\_\_  
\_\_\_\_\_

6. If the application is made for a bulk variance, explain the following.

a. How will the strict application of the provisions of the ordinance result in impractical difficulties or hardship inconsistent with the general purpose or intent of the ordinance?

NA  
\_\_\_\_\_  
\_\_\_\_\_

b. 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?

NA  
\_\_\_\_\_  
\_\_\_\_\_

c. 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.

NA  
\_\_\_\_\_  
\_\_\_\_\_

- d. Explain how the proposed variances can be granted:  
Without substantial detriment to the public good; and,

NA

Without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan.

NA

7. If the application is made for a use variance, explain the following:

- a. How the proposed use can be granted without substantial detriment to the public good;

NA

- b. How the proposed use can be granted without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance;

NA

- c. List the "special reasons" presented by the application; and,

NA

- 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.

NA

8. List all witnesses expected to testify.

The Applicant's professionals will testify about the details of the Application. The Applicant reserves the right to present other witnesses at the hearing.

9. Waivers requested from Development Standards, powers or exemptions from N.J. RSIS and/or Submission Requirements.

Waiver is requested from the checklist submission requirement of providing a denial letter from the Zoning Officer because: (a) this Property is subject to a Redevelopment Plan; and (b) the Municipal Land Use Law permits direct application to this Board.

The Applicant requests any other applicable approvals or waivers.

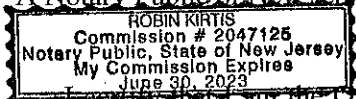
**CERTIFICATIONS**

I certify that the foregoing statements and the materials submitted are true to the best of my knowledge. I further certify that I am authorized to sign the application for the Applicant.

Sworn and subscribed  
before me this 13th day  
July, 2021

*Robin Kurtis*  
\_\_\_\_\_

A Notary Public of New Jersey



WEINER LAW GROUP LLP  
Attorneys for Applicant, AMS Equities, LLC

By: *Anne Marie Rizzuto*  
\_\_\_\_\_

Anne Marie Rizzuto, Esq.

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.

See attached Property Owner Consents.

I understand that the Applicant 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 direct the Applicant to add that sum to the escrow account within fifteen (15) days.

WEINER LAW GROUP LLP  
Attorneys for Applicant, AMS Equities, LLC

By: *Michael Miceli*  
\_\_\_\_\_

Michael Miceli, Esq.

Date: July 13, 2021

**Property Owner's Consent  
to Applications for Development and Governmental Approvals**

**Applicant:** AMS Equities, LLC (the "Applicant")

**Project** Block 234, Lot 8.01 (157-163 Avenue E); Block 467, Lot 23 (132 Avenue E);

**Locations:** Block 458, Lot 1.02 (140 Avenue E); and Block 458, Lot 1.03 (154 Avenue E)  
(the "Property")

1. I am the Managing Member of the entities known as **154 Ave E Bayonne AMS Urban Renewal LLC** and **154 Ave E Bayonne Mile High AMS Urban Renewal LLC** (collectively referred to herein as the "Owner"). Each of these entities constitute the Owner of the real property known as Block 234, Lot 8.01 (157-163 Avenue E), which is part of the Property referenced above.

2. The Owner authorizes and consent to the filing and prosecution of applications before the Planning Board of the City of Bayonne for subdivision approval, preliminary and final site plan approval and for any other related land use approvals, permits and applications for the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

3. The Owner authorizes and consents to the filing and prosecution of any and all applications, permits and/or other governmental approvals related to and required for the redevelopment of the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

4. The Owner agrees to be bound by the Applicant, the representations made in the application filings and during presentations of the applications and the decisions of governmental bodies, in the same manner as if the Owner itself were the Applicant.

5. I am authorized to provide this authorization and consent on the Owner's behalf.

**154 Ave E Bayonne AMS Urban Renewal LLC, Owner**

By:



**Michael Mitnick, Managing Member**

**154 Ave E Bayonne Mile High AMS Urban  
Renewal LLC, Owner**

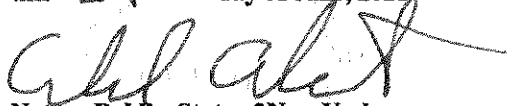
By:



**Michael Mitnick, Managing Member**

Sworn and subscribed before me on

this 24 day of June, 2021



Notary Public, State of New York

2030124v2

**Edward Abramovitz**  
**Notary Public - State of New York**  
**No. 01AB6378023**  
**Qualified in Nassau County**  
**My Commission Expires 7/16/2022**

**Property Owner's Consent  
to Applications for Development and Governmental Approvals**

**Applicant:** AMS Equities, LLC (the "Applicant")

**Project** Block 234, Lot 8.01 (157-163 Avenue E); Block 467, Lot 23 (132 Avenue E);

**Locations:** Block 458, Lot 1.02 (140 Avenue E); and Block 458, Lot 1.03 (154 Avenue E)  
(the "Property")

1. I am the Managing Member of the entity known as **132 Ave E Dev AMS, LLC** (the "Owner") and I certify that it is the Owner of real property known as Block 467, Lot 23 (132 Avenue E), which is part of the Property referenced above.

2. The Owner authorizes and consent to the filing and prosecution of applications before the Planning Board of the City of Bayonne for subdivision approval, preliminary and final site plan approval and for any other related land use approvals, permits and applications for the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

3. The Owner authorizes and consents to the filing and prosecution of any and all applications, permits and/or other governmental approvals related to and required for the redevelopment of the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

4. The Owner agrees to be bound by the Applicant, the representations made in the application filings and during presentations of the applications and the decisions of governmental bodies, in the same manner as if the Owner itself were the Applicant.

5. I am authorized to provide this authorization and consent on the Owner's behalf.


**132 Ave E Dev AMS, LLC, Owner**

By:



**Michael Mitnick, Managing Member**

Sworn and subscribed before me on  
this 24 day of June, 2021



Notary Public, State of New York

**Edward Abramovitz**  
Notary Public - State of New York  
No. 01AB6378023  
Qualified in Nassau County  
My Commission Expires 7/16/2022



**Property Owner's Consent  
to Applications for Development and Governmental Approvals**

**Applicant:** AMS Equities, LLC (the "Applicant")

**Project** Block 234, Lot 8.01 (157-163 Avenue E); Block 467, Lot 23 (132 Avenue E);

**Locations:** Block 458, Lot 1.02 (140 Avenue E); and Block 450, Lot 1.03 (154 Avenue E)  
(the "Property")

1. I am the Managing Member of the entity known as **140 Ave E Dev AMS, LLC** (the "Owner") and I certify that it is the Owner of real property known as Block 458, Lot 1.02 (140 Avenue E), which is part of the Property referenced above.

2. The Owner authorizes and consent to the filing and prosecution of applications before the Planning Board of the City of Bayonne for subdivision approval, preliminary and final site plan approval and for any other related land use approvals, permits and applications for the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

3. The Owner authorizes and consents to the filing and prosecution of any and all applications, permits and/or other governmental approvals related to and required for the redevelopment of the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

4. The Owner agrees to be bound by the Applicant, the representations made in the application filings and during presentations of the applications and the decisions of governmental bodies, in the same manner as if the Owner itself were the Applicant.

5. I am authorized to provide this authorization and consent on the Owner's behalf.

**140 Ave E Dev AMS, LLC, Owner**

By:



**Michael Mitnick, Managing Member**

Sworn and subscribed before me on  
this 24 day of June, 2021



Notary Public, State of New York

2030451v2 **Edward Abramovitz**  
Notary Public - State of New York  
No. 01AB6378023  
Qualified in Nassau County  
My Commission Expires 7/16/2022

**Property Owner's Consent  
to Applications for Development and Governmental Approvals**

**Applicant:** AMS Equities, LLC (the "Applicant")

**Project** Block 234, Lot 8.01 (157-163 Avenue E); Block 467, Lot 23 (132 Avenue E);

**Locations:** Block 458, Lot 1.02 (140 Avenue E); and Block 458, Lot 1.03 (154 Avenue E)  
(the "Property")

1. I am the Managing Member of the entities known as **154 Ave E Bayonne AMS Urban Renewal LLC** and **154 Ave E Bayonne Mile High AMS Urban Renewal LLC** (collectively referred to herein as the "Owner"). Each of these entities constitute the Owner of the real property known as Block 458, Lot 1.03, which is part of the Property referenced above.

2. The Owner authorizes and consent to the filing and prosecution of applications before the Planning Board of the City of Bayonne for subdivision approval, preliminary and final site plan approval and for any other related land use approvals, permits and applications for the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

3. The Owner authorizes and consents to the filing and prosecution of any and all applications, permits and/or other governmental approvals related to and required for the redevelopment of the Project. This authorization and consent applies to the Applicant and its related entities in connection with the Project.

4. The Owner agrees to be bound by the Applicant, the representations made in the application filings and during presentations of the applications and the decisions of governmental bodies, in the same manner as if the Owner itself were the Applicant.

5. I am authorized to provide this authorization and consent on the Owner's behalf.

**154 Ave E Bayonne AMS Urban Renewal LLC, Owner**

By:



**Michael Mitnick, Managing Member**

**154 Ave E Bayonne Mile High AMS Urban  
Renewal LLC, Owner**

By:



**Michael Mitnick, Managing Member**

Sworn and subscribed before me on  
this 24 day of June, 2021



Notary Public, State of New York

**Edward Abramovitz**  
Notary Public - State of New York  
20527601  
No. 01AB6378023  
Qualified in Nassau County  
My Commission Expires 7/16/2022

**APPLICANT-ENTITY OWNERSHIP DISCLOSURE STATEMENT**  
**To City of Bayonne Planning Board**

**Applicant:** AMS Equities, LLC (the "Applicant")

**Project** Block 234, Lot 8.01 (157-163 Avenue E); Block 467, Lot 23 (132 Avenue E);  
**Locations:** Block 458, Lot 1.02 (140 Avenue E); and Block 458, Lot 1.03 (154 Avenue E)  
(the "Property")

**June 14, 2021**

**DISCLOSURE STATEMENT- Ownership of Applicant Entity**

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 persons or entities owning 10% or more interest of the applicant entity.

<u>Name</u>	<u>Address</u>
<u>Michael Mitnick</u>	<u>86 Main St., Suite 200, Yonkers NY, 10701</u>
<u>Abraham Abadie</u>	<u>86 Main St., Suite 200, Yonkers NY, 10701</u>
<u>Ariel Mitnick</u>	<u>86 Main St., Suite 200, Yonkers NY, 10701</u>
<u>Raphael Mitnick</u>	<u>86 Main St., Suite 200, Yonkers NY, 10701</u>