

RESOLUTION

PLANNING BOARD

CITY OF BAYONNE

APPLICATION OF: EXXON CORPORATION

S/D # : 392-021892

PREMISES : BLOCK 478 - LOT 1
 : BLOCK 480 - LOT 1
 : BAYONNE, NEW JERSEY 07002

WHEREAS: Exxon Corporation ("Applicant") has applied to the Planning Board of the City of Bayonne ("Board") at its meeting held on March 9, 1993 for approval to subdivide certain property it owns presently designated as Block 478 - Lot 1 and Block 480 - Lot 1 on the Tax Map of the City of Bayonne and to re-align the property line between the said properties; and,

WHEREAS: Applicant, in support of the minor subdivision Application, has submitted a plan entitled "Proposed Subdivision of Lot 1, Block 478 and Lot 1, Block 480 on the Tax Map of the City of Bayonne, Hudson County, N.J.," prepared by Decker and Coriell, Inc. and dated February 16, 1993 (the "Subdivision Plan"); and,

WHEREAS: The proposed subdivision will reduce the size of Block 478 - Lot 1 from 75.22 acres to 72.78 acres, a difference of 2.44 acres, and the square footage from 3,276,558 square feet to 3,170,164 square feet and will increase the size of Block 480 - Lot 1 from 46.24 acres to 48.68 acres, a difference of 2.44 acres, and the square footage from 2,014,150 square feet to 2,120,544 square feet. The lot line that is being changed previously traversed an existing brick building as shown on the subdivision plan and the new proposed property line is clear of all buildings with the side yard dimensions as indicated on said plan; and,

WHEREAS: Commissioners Burroughs, Adam, Donovan, Fryczynski, Gallo, Hogan, McCusker and Pagano were present and participated in said meeting; and,

WHEREAS: Thomas J. Malman, Esq. appeared on behalf of the Applicant at the Board's regular meeting on March 9, 1993 and submitted into evidence its Exhibits A-1 through A-5 in support of the Application and made a statement on the record with regard to the intent and purpose of the Application and of the reasons for the change in the re-alignment of the property lines and of the resultant remaining sizes of each of the proposed new lots and of the contemplated sale by Applicant of Lot 1 in Block 480 to IMTT and of the proposed easement for ingress and egress to be reserved for the benefit of said lots for access onto East 22nd Street, Bayonne; and,

WHEREAS: Applicant presented as witnesses Mr. Chris Kramer, an employee of the Applicant who is responsible for operating a lube plant presently located on part of the Exxon property and also Mr. Robert Coriell, a licensed professional land surveyor in the State of New Jersey who prepared the proposed subdivision map and the Application for the subdivision, both of which were admitted into evidence on behalf of the Applicant; and,

WHEREAS: No one testified in opposition to the Application for the proposed subdivision; and,

WHEREAS: The Board made the following findings of fact based upon the filed Application and the evidence presented at the hearing:

1.) The subject premises is owned by Exxon Corporation which has been engaged in business in the City of Bayonne for many years and has a good record of compliance with State and local statutes, ordinances, regulations and requirements.

2.) The premises are located in the I-H heavy industrial district, the real estate taxes assessed on the subject property are current and paid.

3.) The proposed minor subdivision approval will change the property line between Lot 1 in Block 478 and Lot 1 in Block 480. It will reduce the size of Lot 1 in Block 478 from 75.22 acres to 72.78 acres and will increase the size of Lot 1 in Block 480 from 46.24 acres to 48.68 acres, in each case a difference of 2.44 acres.

4.) Applicant is making the minor subdivision Application in conjunction with the proposed sale of a portion of the Exxon Property and other adjacent property to IMTT-BX. Exxon intends to retain the property designated as Block 478, Lot 1 as it is set forth on the Subdivision Plan (the "Retained Property") and intends to convey to IMTT-BX the property designated as Block 480, Lot 1 as set forth on the Subdivision Plan (the "Sale Property").

5.) Applicant presently operates a lube plant on the Retained Property and the subdivision isolates all of the facilities required for the operation of the lube plant within the Retained Property.

6.) The proposed subdivision complies with the Zoning Ordinance of the City of Bayonne.

7.) The Application provides for the removal of two existing tanks located on the eastern portion of the Retained Property and said tanks have been removed to date.

8.) While the Retained Property has sufficient frontage on Hook Road, Applicant intends to retain an easement over adjacent property that is to be conveyed by Exxon to IMTT and which is designated as Block 466, Lot 1 on the Tax Map of the City of Bayonne. The easement will provide access to East 22nd Street and will permit the lube plant to utilize the same means of ingress and egress that is presently utilized such that traffic patterns associated with the operation of the lube plant will not be altered.

9.) Applicant shall also retain an easement over a portion of the Sale Property to provide additional site access.

10.) Applicant does not propose any new construction in conjunction with the subdivision Application and no variances are presently requested.

11.) The proposed re-alignment of property lines and the subdivision requested will not violate the zoning requirements of the City of Bayonne and will not impair the intent and purposes of the Zone Plan and Zoning Ordinances of the City of Bayonne and will not be detrimental to the public good.

A Motion was made by Commissioner McCusker and seconded by Commissioner Gallo to adopt the following Resolution:

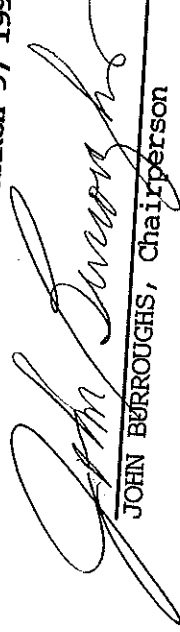
NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Bayonne that the Application of Exxon Corporation under its S/D #392-021892 for minor subdivision approval with respect to the re-alignment of the property line between its premises designated as Lot 1 - Block 478 and Lot 1 - Block 480, Bayonne, New Jersey as set forth in the proposed subdivision filed by the Applicant with its Application is hereby granted, subject to the following conditions:

- 1.) The payment of all fees required by the Zoning Ordinance of the City of Bayonne.
- 2.) The complete removal of the two existing tanks from the eastern portion of the Retained Property.
- 3.) The review and approval of the two easements to be created in conjunction with the subdivision by the City of Bayonne Law Department, the City of Bayonne Planning Board Attorney and the City of Bayonne Engineering Department prior to the recording of any easement documents between Applicant and IMTT.

The participating members of the Board voted unanimously in favor of the Application and the same is hereby **APPROVED**. Commissioner Donovan abstained.
Dated: March 9, 1993

THE ABOVE RESOLUTION WAS ADOPTED BY
THE CITY OF BAYONNE PLANNING BOARD AT
ITS MEETING HELD ON MARCH 9, 1993.

MSS/hp


JOHN BURROUGHS, Chairperson