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August 10, 2021

VIA EMAIL: [ttuohy@BayNJ.org](mailto:ttuohy@BayNJ.org) and REGULAR MAIL

Tracey Tuohy  
Zoning Officer  
City of Bayonne  
630 Avenue C  
Bayonne, NJ 07002

RE: 112 Kennedy Blvd.  
Block 335, Lot 16

Dear Ms. Tuohy:

I am in receipt of your letter of August 4, 2021 wherein you advise that my client, Yakov Burakovsky, must submit an application to the Zoning Board of Adjustment for a d(1) variance in order to continue to use the above referenced premises as currently configured. Specifically, you have found that the residential unit in the rear of the property is nonconforming and not approved or permitted.

As we have discussed in conference, my client contends that he had the permission of municipal authorities to convert the unit. When the property was acquired in 2008 the City issued a Certificate of Continued Occupancy for 2 residential units and 2 commercial units. After complying with the then-Zoning Officer and Building Department Official's instructions for residential occupancy he was granted Certificate of Occupancy #09-12-011 from the City of Bayonne dated July 20, 2010. The City evinced further confirmation of the property's status during the recent City-wide reassessment which showed the property is taxed as 3 residential and 1 commercial unit.

My client relied upon that Certificate of Occupancy #09-12-011 to conduct business at the premises and to market the house for sale in its current, approved configuration. I must point out that all property owners and developers in Bayonne and in every town logically and reasonably rely upon the issuance of a Certificate of Occupancy as evidence that they have municipal approval to act in accordance with their stated purpose. Parties that rely upon the City's representation in a Certificate of Occupancy can suffer grievous harm should said representations be renounced or revoked by fiat. In the instant case, my client has a Contract of Sale at risk due to this decision.

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In sum, my client requires that if the City of Bayonne is insisting that the residential unit at the premises is unapproved and not permitted, then the City must explain the issuance of Certificate of Occupancy #09-12-011. I look forward to the City's response by close of business on Friday, August 13, 2021. Should the City maintain its position in this matter, my client reserves his right to seek redress and assert all of his rights under the law.

Very truly yours,

ROSE & ZUCKER, LLC



BY: John A. Zucker

JAZ:dak

Cc: Yakov Burakovsky  
Alicia Losonczy, Planning/Zoning Board of Adjustment Secretary  
John F. Coffey, II, Esq., Counsel, City of Bayonne