



**City of Bayonne**  
**DEPARTMENT OF MUNICIPAL SERVICES**  
**DIVISION OF PLANNING & ZONING**  
**MUNICIPAL BUILDING**  
**630 AVENUE C**  
**BAYONNE, NJ 07002**  
**TELEPHONE: 201-858-6110 Fax: 201-858-6185**  
**E-MAIL: TTuohy@BAYNJ.org**



**JAMES M. DAVIS**  
**MAYOR**

**VIA EMAIL: [jzucker@rosezuckerlaw.com](mailto:jzucker@rosezuckerlaw.com) and REGULAR MAIL**  
 August 13, 2021

John A. Zucker, Esq.  
 Rose & Zucker, LLC  
 613 Broadway  
 Bayonne, NJ 07002

**Re: 112 Kennedy Boulevard; Block 335, Lot 16**

Dear Mr. Zucker:

I have reviewed your letter dated August 10, 2021 with regard to the above referenced matter. I remain reliant upon the determination set forth in my letter dated August 4, 2021 wherein I concluded that your client is required to submit an application to the Zoning Board of Adjustment for a d(1) Use variance.

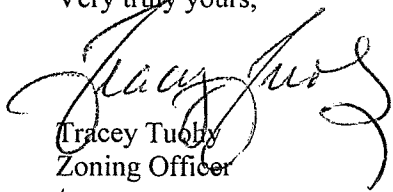
Certificate of Continued Occupancy #335/16 was granted by Michael J. Feuer of the Building Department on September 25, 2008 for 2 dwelling units and 2 commercial units. I have no further documents relating to the "instructions" from the then-Zoning Officer and Building Department Official resulting in the issuance of Certificate of Occupancy # 09-12-011.

Certificate of Occupancy #09-12-011 was granted by Michael J. Feuer of the Building Department on July 20, 2010. Said document reads: "Description of Work/Use: INTERIOR ALTERATION(S) MAKE EXISTING APARTMENT CODE COMPLIANT". This CO does not stipulate or reference a Change of Use from a 2 residential/1 commercial use to a 3 residential/1 commercial use, nor does it stipulate what existing unit was being altered.

Most important of all, there is no record of a Change of Use Zoning permit application on file for the intensified use of this property to change from a 2 residential/1 commercial use to a 3 residential/1 commercial use. In short, there is no documentary evidence supporting a change from commercial to residential use.

Please note, moreover, that I have discovered that the Express Gourmet Deli (occupying the ground floor commercial space) does not have a use permit on file in the Zoning Office. Please have the tenant e-mail me, so that I may provide them with a permit application for use and signage.

Very truly yours,

  
 Tracey Tuohy  
 Zoning Officer  
 /tt

cc: Mr. Mitchell Burakovsky  
 John F. Coffey, II, Esq., Law Director  
 Alicia Losonczy, Planning Board/Zoning Board of Adjustment Administrator