



MEMORANDUM

Clarke Caton Hintz

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To: City of Bayonne Zoning Board of Adjustment

From: Brian Slaugh, PP, AICP
James Clavelli, PP, AICP
Eric Harris, MCRP

Re: **Temple Beth AM**
Conditional Use Variance and Minor Subdivision
Block 91, Lot 11
105-119 Avenue B
R-2, Detached/Attached Residential District

Date: September 11, 2023

1. APPLICATION DESCRIPTION

1.1. Applicant's Proposal. The applicant is seeking a conditional use variance, minor subdivision and bulk variance relief to subdivide the subject property (Lot 11) into two separate lots. The first (proposed Lot 11.01) is proposed to be a 14,730 sf. lot that would continue to house the Temple Beth AM Synagogue. The second lot would contain the former Rabbi's residence that is no longer being used for the teacher's residence. This second lot, proposed Lot 11.02, would be 4,020 sf. in area. Traditionally, houses of worship would have a residence for the religious group's leader that is considered an accessory use to the principal use of a property for religious services and instruction. The proposal would make the residence a principal use of the property on Lot 11.02.

1.1. Existing Site Conditions. The site is a mixed-use property consisting of the existing Temple Beth Am Synagogue, a one-story 12,183 sf. building with frontage on Avenue B and West 42nd Street. The Synagogue does not have any off-street parking. The northern portion of the property contains the now vacant single-family dwelling that historically served as the residence for the Synagogue's Rabbi before 2021. The dwelling is a two-story, 1,236 sf. building fronting on West 43rd Street with a one-car garage and one off-street parking space in the driveway in front of the garage. The property also contains an approximately 50 x 40 ft. side yard that contains a shed next to the house.

Street trees are located along the property frontage. The Synagogue maintains decorative landscaping along the building's outer wall on Avenue B and West 42nd

John Hatch, FAIA
George Hibbs, AIA
Brian Slaugh, AICP
Michael Sullivan, AICP
Michael Hanrahan, AIA
Mary Beth Lonergan, AICP



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Street. Trees are located within the yard of the single-family dwelling associated with proposed Lot 11.02.

- 1.2. Neighborhood Context.** The uses surrounding the subject property predominantly consist of single and two-family residential dwellings in the R-2 Detached/Attached Residential District. Additional uses in the nearby vicinity include two multifamily buildings (5 and 7 stories tall) to the north beyond West 43rd Street, tennis courts to the west beyond West 42nd Street, and a medical office building to the east at the opposite street corner (Hudson Eye Physicians & Surgeons, LLC).



Aerial Photograph of Site and Surroundings



N.T.S.

- 1.3. Environmental Factors.** The site is not in a flood zone, nor are there wetlands located within the vicinity of the site. The site is not contaminated nor are there any known contaminated sites within the vicinity of the property.



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2. ZONING

2.1. **Permitted Uses.** Permitted uses in the R-2 District include detached single and two-family dwellings, home occupations, family day care homes, and essential services. The proposed Lot 11.02 contains an existing residential dwelling, which is permitted.

2.2. **Conditional Uses.** Religious institutions are permitted as a conditional use subject to the following three conditions referenced in §35-5.28.1.a-c.:

- The lot is at least 20,000 square feet. **The area of the existing lot 11 is 18,750 square feet and the proposed 11.01 is 14,730 square feet.**
- No building or structure for such uses shall be closer than 30 feet to any property line. **The setbacks of the proposed Lot 11.01 range from 0 feet along Avenue C to 5.1 feet along West 42nd Street.**
- A thirty-foot landscaped buffer strip shall be established along each adjacent property line, consisting of plantings at least five feet [in height]. Notwithstanding [this requirement], such buffer area may contain a driveway accessing an off-street parking area, provided that the parking area itself is not within the buffer area. **There is no landscape buffer, nor is one proposed, nor is there any room for such a buffer given that Temple Beth AM occupies the majority of the proposed Lot 11.01. It should be noted, however, that Temple Beth AM synagogue does provide existing street trees and plantings, at regular intervals, along Avenue B and West 42nd Street.**

The site does not meet any of the three conditions required by §35-5.28.1.a. Along with the restatement of the variances due to the effect of the minor subdivision, seven conditional use variances are required pursuant to N.J.S.A. §40:55D-70.d(3).

2.3. **Required Accessory Use.** Per §35-5.3.b.1, off-street parking is a required accessory use in the R-2 District and should comply with §35-17. **As indicated in Section 4.1 of this report, Temple Beth AM does not currently maintain off-street parking, a condition which is a preexisting nonconformity.**

2.4. **Permitted Accessory Use.** Permitted uses in the R-2 District include private sheds and other structures customarily associated with residential uses. This type of structure is located on the proposed Lot 11.02.



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3. **AREA, YARD & STRUCTURE REQUIREMENTS**
 - 3.1. **Applicable Bulk Standards.** Area, yard and structure requirements in the R-2 zone specifically apply to single- and two-family dwellings located on interior and corner lots. As such, these standards only apply to the residence. The conditional use provisions found in §35-5.28 apply to the Synagogue.
 - 3.2. **Preexisting Nonconformities.** The subject property exhibits several preexisting nonconformities. **Due to the site being subdivided, it is the view of this office that such nonconformities be treated as new variances. The applicant should seek relief for each nonconformity as the reduction in lot size will lead to an intensification of the use of the lot as it relates to the bulk standards.**
 - 3.3. **Lot Line Designation for Proposed Lot 11.01.** As proposed, Lot 11.01 is shaped like a blocky “L”. This office has prepared the exhibit below to explain how the Municipal Code defines the property lines and consequently the yards applying to the site. The Municipal Code defines a front lot line for a corner lot as the shorter of the lot lines fronting on a street. The front lot line (indicated in green) is on West 42nd Street. A rear lot line is the line opposite the front property line (indicated in red) where the proposed subdivision line is located and all other lot lines that are not the front or rear lot line are considered side lot lines (indicated in blue).

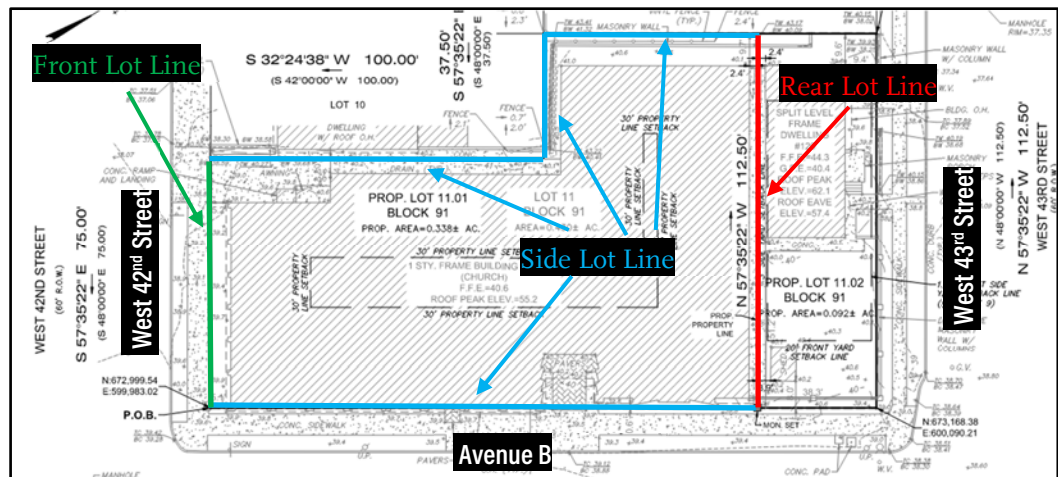


Exhibit 1. Property Lines on the Subject Site.



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- 3.4. **Bulk Standards for Proposed Lot 11.01.** Proposed Lot 11.01 is subject to the standards required by the conditional use provisions found in §35-5.28. The following table indicates the site’s conformance with these standards. As indicated below, variance relief is required for minimum lot area and all minimum front, rear and side yard setbacks. As these are conditional use requirements, “-d(3)” variance relief is required.

Table 1: Lot 11.01 – Religious Institutions Conditional Use				
Requirement	R-2 Zone	Existing (Lot 11)	Proposed	Variance?
Min. Lot Area	20,000 sf.	18,750 sf.	14,730 sf	Yes
Min. Front Yard Setback (W. 42 nd St)	30 ft	5.1 ft	No change	Yes
Min. Rear Yard Setback (abutting proposed Lot 11.02)	30 ft	n/a	2.4 ft.	Yes
Min. Side Yard Setback (abutting Lot 10 side lot line)	30 ft	4.5 ft.	No change	Yes
Min. Side Yard Setback (abutting Lot 10 rear lot line)	30 ft	5.2 ft.	No change	Yes
Min. Side Yard Setback (abutting Lot 12)	30 ft	9.7 ft.	No change	Yes
Min. Side Yard Setback (abutting Avenue B)	30 ft	0.6 ft.	No change	Yes

- 3.5. **Lot Line Designation for Proposed Lot 11.02.** As proposed Lot 11.02 is a corner lot, the front yard is the shortest lot line abutting a street. The front yard lot line is along Avenue B, the rear lot line is the opposite lot line abutting Lot 12, and the two remaining lot lines are side lot lines.

- 3.6. **Bulk Standards for Proposed Lot 11.02.** Proposed Lot 11.02 is subject to the bulk standards for single-family dwellings located on corner lots in the R-2 zone, pursuant to §35-5.3e. Conformance with these standards is indicated in the following table. Bulk variance relief is required for several items.



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Table 2: Lot 11.02 – Single-family Dwellings on Corner Lots in the R-2 Zone				
Requirement	R-2 Zone	Existing (Lot 11)	Proposed	Variance?
Min. Lot Area	4,000 sf	n/a	4,020 sf.	No
Min. Lot Frontage	40 ft.	n/a	35.73 ft.	Yes
Min. Lot Width	40 ft.	n/a	35.73 ft.	Yes
Min. Lot Depth	100 ft.	n/a	112.5 ft.	No
Min. Front Yard Setback	20 ft.	n/a	50 ft.	No
Min. Rear Yard Setback	20 ft.	n/a	9.6 ft.	Yes
Min. Side Yard Setback (One side yard / both yards combined)	3 ft. / 6 ft.	n/a	2.4 ft / ~5.9 ft.	Yes
Max. Structure Height (feet / habitable stories)	35 ft./2½ stories	19.8 ft / 1.5	No change	No
Lot Coverage	70%	n/a	48.7%	No
Lot 11.02 – Accessory Shed §35-5.3.e				
Min. Rear Yard Setback	3 ft.	n/a	94.4 ft.	No
Min. Side Yard Setback (One side yard)	3 ft.	n/a	~3.9 ft. and 24.16 ft.	No
Max. Structure Height (feet / habitable stories)	15ft./ 1½ stories	<15 ft / 1	<15 ft / 1	No

- 3.7. **Minimum Lot Frontage.** Pursuant to §35-5.3e, the minimum required lot frontage for single-family dwellings on corner lots is 40 ft. The proposed subdivision will result in a lot frontage of 35.73 ft. **Variance relief is required.**
- 3.8. **Minimum Lot Width.** Pursuant to §35-5.3e, the minimum required lot width for single-family dwellings on corner lots is 40 ft. The proposed subdivision will result in a lot width of 35.73 ft. **Variance relief is required.**
- 3.9. **Minimum Rear Yard Setback.** Pursuant to §35-5.3e, the minimum required rear yard setback for single-family dwellings on corner lots is 20 ft. The proposed subdivision will result in a rear yard setback of 9.6 ft. **Variance relief is required.**
- 3.10. **Minimum Side Yard Setback.** Pursuant to §35-5.3e, the minimum required side yard setback for single-family dwellings on corner lots is 3 ft, with an aggregate minimum requirement of 6 feet. The proposed subdivision will result in a side yard setback of 2.4 ft and an aggregate of 5.9 ft. **Variance relief is required.**



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4. CIRCULATION AND PARKING

- 4.1. **Lot 11.01 Minimum Parking Requirement.** Per §35-17.6.b, religious institutions require one parking space for every four seats in the main worship space. Temple Beth AM currently does not provide any off-street parking, a condition which is a preexisting nonconformity. **If not previously approved, the applicant should request relief in this application** (see Section 3.3).

- 4.2. **Lot 11.02 Minimum Parking Requirement.** Per §35-17.6.b, residential dwellings with three bedrooms are required to provide 1.5 parking spaces, which is rounded up to two spaces for this single dwelling. The residential dwelling on Lot 11.02 provides only a space in the garage and a short driveway (see photo below), a condition which is a preexisting nonconformity. The driveway to the garage, while technically able to accommodate one vehicle, does not count as a parking space because it is undersized. **If not previously approved, the applicant should request relief in this application.**



Residence Associated with the Temple

- 4.3. **Parking Stall Dimensions.** Per §35-17.5.a, the minimum parking stall size for single, two-family and townhouse residential structures is required to be 10 feet in width by 20 feet in depth. Based on this office’s measurements, the driveway space is approximately 8.6 feet in width and 9.4 feet in length from the garage door to the property line and 13.8 feet to the sidewalk. **This condition appears to be a preexisting nonconformity for which the applicant should request relief.**



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- 4.4. **Parking in Yard Requirements.** Per §35-17.5.c.1, accessory parking for two-family dwellings may be located in any yard, provided that front yard parking be limited to no more than two spaces. **The plan complies.**

- 5. **ACCESSORY STRUCTURE**

- 5.1. **Location of Accessory Shed in the Front Yard.** Per §35-4.12.a.1, accessory buildings may be located in the required rear yard or side yard of a property, however, the existing shed on Lot 11.02 will now be located in the front yard. Before with the properties joined as one, the shed was in the rear yard. **Variance relief is required.**

- 6. **GENERAL COMMENTS**

- 6.1. **Buffering Between Lots 11.01 and 11.02.** Per §35-10.15, buffers are required, where appropriate, along property lines shielding various uses from each other. In this instance there is no practical way to use buffer plants in between the two buildings where the most need would be greatest. The area is completely in hardscape and needs to be kept clear for maintenance purposes. Furthermore, little sunlight would reach the plants even if planted in pots due to the orientation of the passageway and height of the buildings.

- 6.2. **Maintenance Easement.** The applicant should propose a mutually beneficial maintenance easement along the proposed subdivision line and general access through Lot 11.02 to maintain the Temple, as well as the rear wall and perhaps roof of the residence that permit both lot owners full use of the four feet between the buildings.

- 6.3. **Wall Height.** Per §35-4.14, fences and walls in residential districts may not exceed four feet on the front property line and may not exceed six feet on any side or rear property line. A masonry wall encloses Lot 11.02 on the front property line along Avenue B (and attaches to the Temple Beth AM building) and about half of the side property line along West 43rd Street. Counting the bricks, it appears to be about 4.5 feet high at the piers based on images taken from the street level. The applicant should verify the height of the wall. The wall, if this estimate is accurate, would mean the wall along Avenue B is nonconforming. **If this condition is determined to be nonconforming, then variance relief is required.**



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- 6.4. **Traffic Visibility and Sight Triangles.** Per §35-4.13, “on any corner lot, no fence, structure, or shrubbery over 36 inches in height, nor any tree whose crown is lower than 10 feet in height above grade shall be erected or maintained which shall interfere with traffic visibility around a corner. This shall not apply to intersections whose angle exceeds 135°.” **This office defers to the Board Engineer for compliance with §35-4.13 as well as the requirements regarding Sight Triangles outlined in §33-10.17.e.**



Lot 11.02 Looking Southwest from West 43rd Street (Source: Google Street View)

- 6.5. **Lighting at the Property Line.** Per §33-10.10b, lighting at property lines shall not exceed one footcandle and lighting shall be installed with shielding to direct light away from adjoining properties. Although no new lighting is proposed, Temple Beth AM appears to maintain existing lighting at the entrances on Avenue B and West 42nd Street and the building’s northern exterior adjoining the existing residence. The applicant should testify as to the purpose of the lighting at the northern building exterior and whether the lighting is intended as a security/safety measure. Testimony should also be provided regarding the lighting levels at the proposed property line, and if required by the Board, submit an existing lighting conditions plan for further review.



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In order to mitigate potential conflicts with the residence on Lot 11.02, the applicant should consider removing the existing lighting and/or installing new fixtures to improve shielding and minimize illumination on the neighboring property. Upon request, this office can assist the applicant in exploring alternatives to the existing lighting.

- 6.6. **Trash and Recycling.** Per 33-10.13.a, all development applications shall demonstrate facilities suitable for separation of recyclable materials in accordance with the Municipal Recycling Ordinance. **The applicant should testify as to where trash storage will occur at the Synagogue and the residence, as it is not indicated on the plan.**

7. **CONSIDERATION OF THE CONDITIONAL USE VARIANCE**

- 7.1. **Overall Comment.** While this office defers to the Board Attorney in advising the Board on the application of relevant variance criteria, this report identifies the “D” variance criteria for purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the variance.

- 7.2. **Relevant Case.** In *Coventry Square v. Westwood Zoning Board of Adjustment*, 138 N.J. 285 (1994), the Supreme Court enunciated a modified version of the traditional positive and negative criteria standard tailored specially for the conditional use context. In so doing, the Court lightened the burden of an applicant seeking a d(3) variance for a conditional use. The new standard enunciated in Coventry reflects the Court’s opinion that conditional uses, even when they do not comply with the requisite standards, are nonetheless essentially compatible uses in the zone. Therefore, the focus of the Board in considering a variance application for a conditional use is not on whether the proposed use is compatible with the other uses in the zone; the governing body presumably already determined that it is, as long as the standards relating to the specific site are satisfied. Rather, the focus of the Board must be on the deviation from the standard, in context of the total proposed development. Accordingly, the standard of proof of special reason to support a variance from one or more standards for the conditional use should be relevant to the nature of the deviation from the ordinance.

- 7.3. **Consideration of the Negative Criteria.** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria.



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- In respect to the first prong, the Board must evaluate the impact of the proposed conditional use variance upon the adjacent properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good.” Substantial detriments are usually nuisance related such as noise, dust, trash, parking, traffic, visual distraction, light, runoff, vegetation removal and aesthetics that cannot be adequately mitigated. The applicant should address any impacts to the character of the neighborhood resulting from the proposed subdivision.
- In respect to the second prong, that the variance will not “substantially impair the intent and purpose of the zone plan and zoning ordinance,” the Board must be satisfied that the grant of the conditional use variance for a specific project at the designated site is reconcilable with the City’s legislative determination that the standard should be imposed on all conditional uses within the R-2 District.

8. CONSIDERATIONS RELATIVE TO THE CONDITIONAL USE VARIANCE

As indicated above, the use is not what is at question, but the conditions required for the use. As such, as a means of analyzing the site, it is useful to analyze the proposal using those conditions as a framework.

8.I. **Criterion 1. The lot is at least 20,000 sf.** The area of the existing lot 11 is 18,750 square feet and the proposed 11.01 is 14,730 square feet. The following recommended testimony may be of interest to the Board in this matter:

- **Operations.** According to Temple Beth AM’s website, some of the synagogue’s operations, in addition to weekly and high holiday religious services, include Bar/Bat Mitzvah and Confirmation services, religious school, adult education classes, life cycle events, interfaith and LGBTQA activities. The Synagogue also rents out the hall for events in addition to hosting events. The applicant should testify to these operations, including the hours of operation; number of employees, staff and volunteers; expected number at any given time of congregants and students for the religious school and adult classes and other events.
- **Parking Demand.** There is no existing off-street parking today or proposed with the application. The applicant should testify as to the demand for parking at the proposed occupancy and discuss how often such demand may be expected. The applicant should also testify as to how congregants attend



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services and other activities and how students attend the religious school and adult classes. For example, if the Synagogue is primarily for the surrounding neighborhood, it may be that congregants walk, utilize public transportation, or ride bicycles to attend services and meetings that would moderate the demand for parking. This office notes that the Synagogue has been in existence for many years without any off-street parking, and as such does not anticipate any dramatic change in off-street parking needs resulting from the proposed subdivision.

- 8.2. **Criterion 2. No building or structure for such uses shall be closer than 30 feet from any property line.** The second condition envisions a thirty-foot wide separation between religious institutions and neighboring properties. Presumably, this relates to the possibility of nuisances relating to assemblage of people next to separate uses such as residences. The applicant should testify as to any nuisance issues that have arisen over the years related to the use of the facility and if so, whether a 30-foot separation would have made a mitigating difference. We note that there is no outdoor space where services or events would appear to be able to take place, except in the yard next to the former Rabbi's residence, which would no longer be available if this application is approved.
- 8.3. **Criterion 3. A thirty-foot landscaped buffer strip shall be established along each adjacent property line, consisting of plantings at least five feet. Notwithstanding, such buffer area may contain a driveway accessing an off-street parking area, provided that the parking area itself is not within the buffer area.** The third criterion envisions a planted buffer for screening between the use and adjacent properties. Given the lack of available space, no such buffer is proposed. See our comment in 6.1. Secondly, as indicated in Comment 5.6 of this report, the plan does not indicate where waste is stored at Temple Beth AM. The applicant should testify as to where waste is stored presently and whether that would change with the implementation of the minor subdivision.

9. CONSIDERATION OF THE "C" VARIANCES

- 9.1. **Overall Comment.** The following sections summarize the "C" variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the "C" variances. The applicant must justify the "C" variances separately and each variance must satisfy both parts. We defer to the Board Attorney for any additional comment on the "C" variance criteria.



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- 9.2. **Consideration of the Positive Criteria.** To satisfy the positive criteria for a “C” variance, the applicant has two choices. First, known as “-c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:
- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
 - By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
 - By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
 - Alternatively, and known as “-c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:
 - Where in an application or appeal relating to a specific piece of property to purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

We note that there is no additional vacant land to purchase that would allow the congregate to make a conforming lot for the Synagogue. It is also unlikely that an adjacent property owner would seek to purchase the Synagogue seeing as it is a special purpose building and a consecrated space. The situation on the ground by the viewing public would remain the same as today, with the temple building and single family residence occupying the same space with the same relationship to each other and surrounding property. What would change is the legal categories of the land uses and their relationship to zoning regulations.

- 9.3. **Consideration of the Negative Criteria.** Should the applicant satisfy the positive criteria, it must also be demonstrated that that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan. These factors are referred to as the negative criteria. We note that the lack of buffering between uses will be apparent to any prospective buyer of the single family house and will be factored into any decision made as to offer in an agreement of sale. The relationship of the building to the Synagogue will also be readily apparent, and the obvious necessity to allow for routine maintenance, should be codified in a new mutually beneficial easement for that purpose.



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10. APPLICANT AND THEIR PROFESSIONALS

- 10.1. Applicant/Owner.** Temple Beth AM (Murray Blackstone, Member of Board of Directors). 111 Avenue C, Bayonne, NJ 07002. Telephone: 201-858-2020 and 551-655-4100.
- 10.2. Attorney.** Christopher Vitale, Esq., O'Halloran & Vitale. 27 West 8th Street, Bayonne, NJ 07002. Telephone: 201-437-5436. Facsimile: 201-437-5154.
- 10.3. Architect.** Stephen M. Kawalek, RA, PP, Kawalek & Kawalek Architects, LLC. 764 Avenue C, Bayonne, NJ 07002. Telephone: 201-437-0648.

11. MATERIALS REVIEWED

- 11.1.** *City of Bayonne Application for Development Form*, with attachments, dated April 21, 2023.
- 11.2.** *City of Bayonne Certificate of Completeness Review*, dated July 8, 2023.
- 11.3.** *City of Bayonne Tax Certification Document* for 105-119 Avenue B, dated March 20, 2023.
- 11.4.** *City of Bayonne Site Plan Referral and Request for Recommendations*, Joseph Coughlin Fire Sub-Code Official, dated June 21, 2023
- 11.5.** *City of Bayonne Site Plan Referral and Request for Recommendations*, Joseph Ryan Historic Preservation Commission, dated June 21, 2023.
- 11.6.** *City of Bayonne Site Plan Referral and Request for Recommendations*, Joseph Benkert Building Construction Official, dated June 21, 2023.
- 11.7.** *Minor Subdivision*, prepared by David J. Von Steenburg, Professional Land Surveyor, of Morgan Engineering & Surveying, dated August 9, 2022, last revised May 1, 2023, consisting of one sheet.
- 11.8.** *Boundary & Topographic Survey*, prepared by David J. Von Steenburg, Professional Land Surveyor, of Morgan Engineering & Surveying, dated and last revised June 10, 2022 consisting of one sheet.
- 11.9.** *Statement of the Applicant*, undated.
- 11.10.** Property Deed between Public Service Electric & Gas Company and Temple Beth AM, dated July 8, 1955.
- 11.11.** List of properties within 200 feet of Block 91, Lot 11, dated March 27, 2023.
- 11.12.** Tax map exhibit, dated March 27, 2023.



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12. SUMMARY

Based on our review, the following variances are required or may be required, depending on any additional information submitted by the applicant. This list is not necessarily exhaustive and may be augmented by analysis performed by the Zoning Board of Adjustment or other Board professionals.

12.1. Variances:

- §35-5.28.1.a Lot 11.01 Minimum Lot Area Conditional Use Requirement
- §35-5.28.1.b Lot 11.01 Minimum Setback Conditional Use Requirement
- §35-5.28.1.c Lot 11.01 Landscaped Buffer Strip Conditional Use Requirement
- §35-5.3.e Lot 11.02 Minimum Lot Frontage
- §35-5.3.e Lot 11.02 Minimum Lot Width
- §35-5.3.e Lot 11.02 Minimum Rear Yard Setback
- §35-5.3.e Lot 11.02 Minimum Side Yard Setback
- §35-17.6.b Parking Requirement for Houses of Worship
- §35-17.6.b Parking Requirement for Residential Use
- §35-17.5.a Size of Parking Stall
- §35-4.14 Wall Height in Front Yard
- §35-4.13 *Potential* Clear Sight Distance

12.2. Recommended conditions of any approval, though additional conditions may arise at the public hearing:

- Create a maintenance easement along the common subdivision line of adequate width and access to maintain the exterior walls and roof of the Synagogue and residence.
- The applicant should pay any affordable housing development fee required by the City ordinance.
- Implement measures to mitigate light spillage/nuisance lighting at the property line.

We would be pleased to answer any questions concerning this review.

Cc. Alicia Losonczy, Land use Administrator
Richard N. Campisano, Esq., Board Attorney
Robert J. Russo, PE, PP, CME, Board Engineer
Suzanne T. Mack, PP, AICP, CTP, FITE, AHP, City Planner
Tracey Tuohy, Zoning Officer