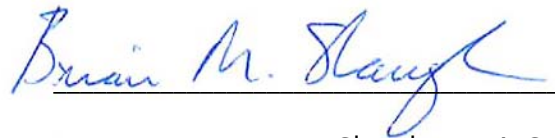


# Review 1

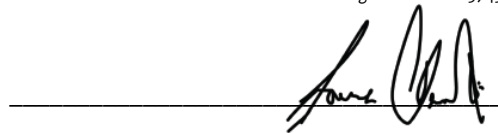
## Major Site Plan Zara Realty, LLC (Mohammad Chaudhry)

7 West 8th Street  
Block 283, Lot 23.01  
8<sup>th</sup> Street Rehabilitation Area  
Broadway Business District Sub-Area  
Office/Retail Service District (ORS)

*Prepared for the City of Bayonne by:*



Brian M. Slauch, PP, AICP  
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With the assistance of Eric Harris, MCRP

April 2, 2024



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## INTRODUCTION

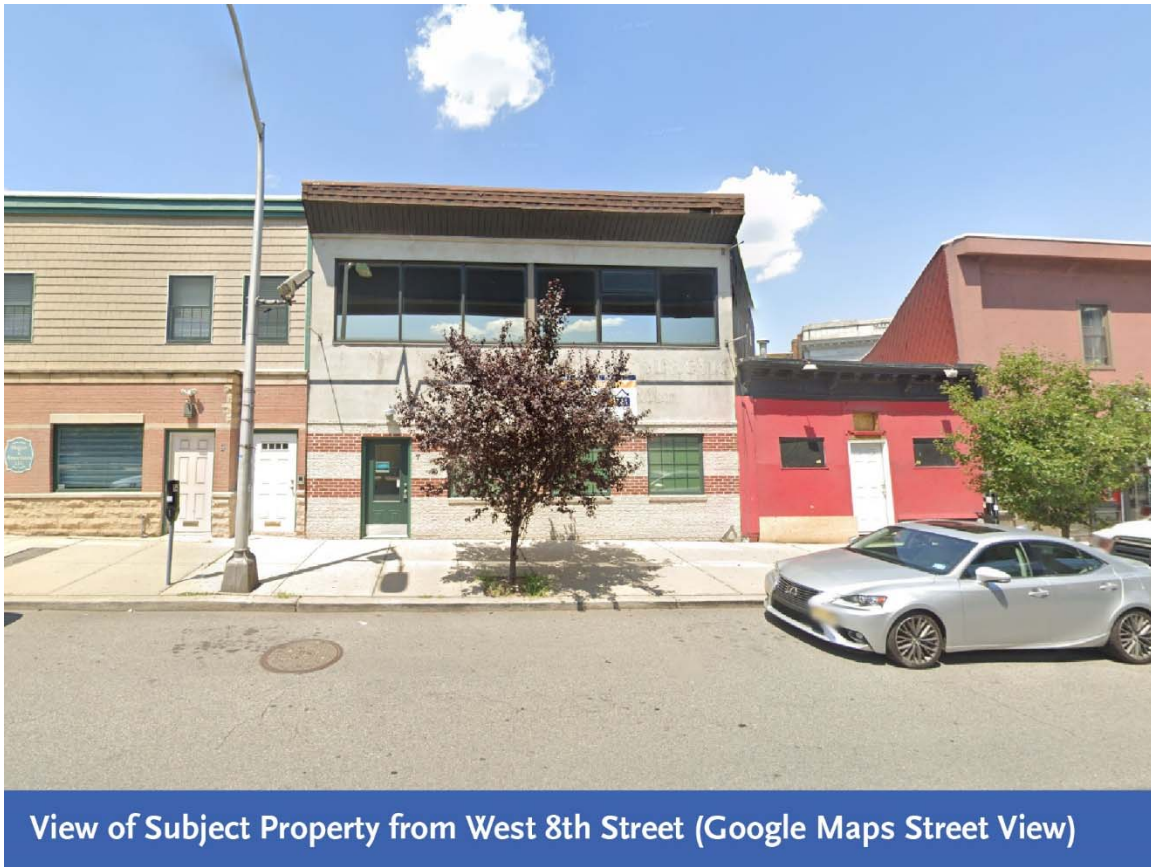
### 1. Project Summary and Site Description

- 1.1. **Proposal.** The applicant is requesting major site plan approval with bulk variances to renovate an existing two-story commercial building into a five-story mixed-use building containing a commercial tenant on the ground floor and four one-bedroom apartments on the floors two through five.



- 1.2. **Existing Conditions.** The subject property is a 1,568-square foot parcel located along the northerly side of West 8<sup>th</sup> Street, approximately 160 feet west of Broadway. The site currently consists of a two-story masonry building with a medical office on the ground level and a vacant gym on the 2nd floor (called the first floor after the European numbering convention on the architectural plan, Sheet A.100).

- 1.3. **Neighborhood Context.** The subject property is located on West 8<sup>th</sup> Street near an intersection with Broadway. The neighborhood is a high activity area in a mixed-use commercial part of the City. West 8<sup>th</sup> Street contains several service oriented businesses such as a tattoo parlor and professional offices, many of which have apartments above the ground floor. Nearby Broadway contains a mix of businesses including restaurants, retail, and services. The 8<sup>th</sup> Street Light Rail Station is located on this street, approximately 200 feet from the site and easily accessible by pedestrians via wide sidewalks on either side of the street. The site is located near the Route 440 overpass, which serves as a defacto gateway to the downtown section of Broadway between 8<sup>th</sup> Street and 5<sup>th</sup> Street, an attractive and vibrant neighborhood in its own right.



**ZONING – BROADWAY BUSINESS DISTRICT AREA**

**2. Use Standards**

- 2.1. **Relevant Zoning:** The subject property is located in the Broadway Business District Area of the 8<sup>th</sup> Street Station Rehabilitation Area and is subject to the use, bulk, and design regulations found on pages 34 – 36 of the plan. These regulations supersede the underlying zoning regulations unless otherwise noted in the Plan. Any citations referenced in this report, such as “§a.1”, refer to §a.1 found on pages 34 – 36 of the Plan.
- 2.2. **Permitted Uses - Ground Floor Retail Commercial.** Per §a.1, permitted principal uses include retail commercial not exceeding 2,000 square feet in floor area, but only on the

ground floor, with certain specific exceptions. The following retail uses are prohibited; thrift and second-hand stores, pawn and consignment shops; fire arms and/or ammunition stores; check cashing stores; “we buy gold” stores; massage parlors not part of beauty parlors or fitness centers; and adult-oriented cabarets. The plan proposes one street level retail commercial space of 311 square feet but has not specified the type of business or businesses intended as tenants. **A member of the limited liability corporation should testify as to whether any of the prohibited uses would be expected to be solicited as tenants for the commercial property. Given the limited size of the commercial floor area, we recommend that it be limited to a single user and the space not be subdivided for multiple tenants.**

- 2.3. **Permitted Uses - Apartments Above Ground Floor Commercial Uses.** Per §a.13 permitted principal uses include apartments on floors above the street level provided that each apartment has a minimum of 600 square feet in floor are, a bathroom and a kitchen. The plan proposes four residential units with units of at least 835 square feet each. Each unit contains a bathroom and a kitchen. **The plan complies.**
- 2.4. **Required Accessory Uses.** Per §c.1, off-street parking is required for this type of development. One space is required for each apartment under §f.1, though no off-street parking spaces are required for the retail space as it contains less than 2,000 sf. The plan requires four parking spaces and no parking spaces are provided. **Variance relief is required.**
- 2.5. **Accessory Uses.** The only accessory structure proposed is a building mounted sign on the ground floor facade. Per §g, signs in accordance with §35-25 are permitted. The sign design is discussed in Section 5 of this report.

**3. Area, Yard & Structure Requirements**

- 3.1. **Bulk Requirements.** Compliance with the bulk and lot standards of the Broadway Business District Area, located within the 8<sup>th</sup> Street Rehabilitation Area, is summarized below in Table 1.0. **Relief is required for the undersized rear yard setback.**

<b>Bulk Standard</b>	<b>Limit</b>	<b>Existing</b>	<b>Proposed</b>
Min. Lot Area	No Requirements	1,568 sf.	No Change
Min. Lot Frontage	30 ft.	31.25 ft.	No Change
Min. Front Yard Setback	No Requirements	0.00 ft.	No Change
<b>Min. Rear Yard Setback</b>	<b>20 ft.</b>	<b>9.42 ft.</b>	<b>9.0 ft. <sup>(M)</sup></b>
Min. Side Yard Setback (one yard/both yards) <sup>(2)</sup>	0 ft.	0.00 ft.	No Change



Table 1.0 - Broadway Business District Lot and Bulk Requirements <sup>1</sup>			
Bulk Standard	Limit	Existing	Proposed
Max. Structure Height (feet / habitable stories)	55 ft. / 5	27 ft. / 2	51 ft. / 5
Max. Lot Coverage	90%	84%	No Change
Max. F.A.R.	4.5 <sup>o</sup>	1.7	4.2
<sup>(v)</sup> - Variance required. <sup>(i)</sup> - Source: <i>8<sup>th</sup> Street Station Rehabilitation Area Plan</i> [p. 35], prepared by Local Planning Services, Revised April 25, 2015			

3.2. **Minimum Rear Yard Setback Variance.** The proposal will decrease the existing rear yard setback from 9.42 feet to 9 feet, whereas at least 20 feet is required. **A variance is required.**

**SITE PLAN REVIEW**

**4. Circulation and Parking Regulations.**

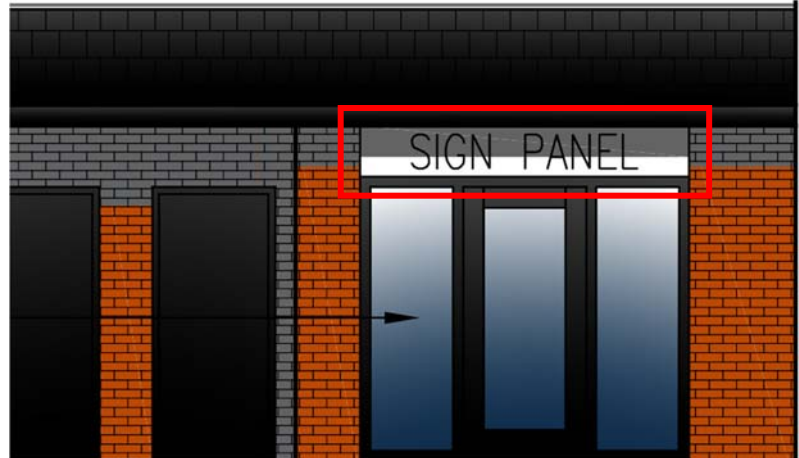
4.1. **Parking Spaces.** Per §f.1, one off-street parking space is required per residential dwelling unit. All applications in this zone must provide parking in the rear yard or inside the structure; no parking in the front yard is permitted. As indicated in the following table, eight parking spaces are required, but no parking is proposed. **A variance is required.**

Table 2. Parking Requirements §2.1.B.3				
Proposed Use	Standard	Units / SF proposed	Parking Required	Parking Proposed
Multi-Family Residential	1 off-street parking space per dwelling unit	4	4	0 <sup>(v)</sup>
<b>Total</b>			<b>4</b>	<b>0</b>
<sup>(v)</sup> - Variance Required.				

4.2. **Parking Sufficiency.** The applicant is requesting a variance from the parking requirement of one space per residential unit. This office notes that the site is a brief walk from the 8<sup>th</sup> Street Light Rail Station and several bus lines. **It is recommended that some of the ground floor amenity space be utilized for bicycle parking for future tenants if the Board approves the application.**

## 5. Signs.

- 5.1. **Proposed Wall Sign.** The plan indicates one sign associated with the ground floor retail space. The sign is indicated generically as shown in the accompanying image (outlined in red).



Signs are permitted as regulated by §35-25 of the Ordinance. Per §35-25.4C.1, wall signs, not exceeding three sf. for each linear foot of sign frontage is permitted. The plans indicate ±8 linear feet of sign frontage, which permits 24 sf. of sign area. 10 sf. is proposed. The plan complies. **As a condition of any approval, the applicant should require any future tenant to have signage in line with what is proposed in the plan and conforming with §35-25.**

## 6. Landscaping

- 6.1. **General Requirement.** Pursuant to §33-10.11a, landscaping is required for site plans and shall be designed in a total pattern throughout the site. No landscaping is proposed on site, which makes sense given the limited size of the lot and the lack of space. There is an existing street tree located in front of the building which is proposed to be retained. **Appropriate tree protection boxing of the trunk, protection of the roots and watering/fertilization should be added to the plan set to ensure the survival of the tree during construction. This protection should be in place prior to the start of any demolition activity and be removed only at the TCO stage.**

## 7. Lighting

- 7.1. **Site and Street Lighting.** No lighting is proposed. The plan and architectural drawings do not propose any site or street lighting. There is a streetlight at the common wall between this property and the building to the west, so no additional streetlight would be necessary. Across the street, double decorative streetlighting illuminates the underside of the elevation Hudson-Bergen line. **The applicant should testify as to whether any building lighting is proposed, and if so, what the type of lighting and what effect is anticipated. Any lighting should be LED with a color temperature of 2700° – 3000°k.**

## 8. Architectural and Streetscape Standards

- 8.1. **Building Design - Exterior.** The proposed building is five stories in height. The ground floor is design with a façade of red brick but contains three doors so the effect is more like pilasters, than an expanse of brick wall. The easternmost door is composed of glass and is to be utilized by the commercial space. The central door leads to a vestibule to be used by residents to access the apartments and ground floor amenity space. The third, westernmost

door leads to the utility/meter room. The central and western door are solid black doors. While we understand why the mechanical room has a solid door, the door to the lobby should also be glass. This glass could be opaque, but aside from identifying it as a normal and would identify the entrance for use by residents and visitors to the apartments. Perhaps, most importantly, however, persons inside the building need to see if there is anyone standing in front before opening the door. With a solid door, that will not be possible unless the applicant is proposing an external camera and internal monitor of the exterior of the building. The proposed façade sign is above the commercial entrance, and above that is a canopy that extends the width of the building over the ground floor. Above the ground floor the building exterior is composed of white vinyl siding. Each apartment has a front facing balcony that is recessed into the façade and fenced with a black balustrade. To the right of each balcony are three front facing windows. There are four balconies and 12 windows. The façade is capped by a white cornice. The sides and rear of the building utilize the same white vinyl siding. The sides do not have windows. The rear has two windows per residential floor. The ground floor has a rear entrance and a smaller rear window. There is nothing edifying about this design that consists of the lowest common denominator of building materials, aside from the ground floor. Additional comment concerning this design is found below.



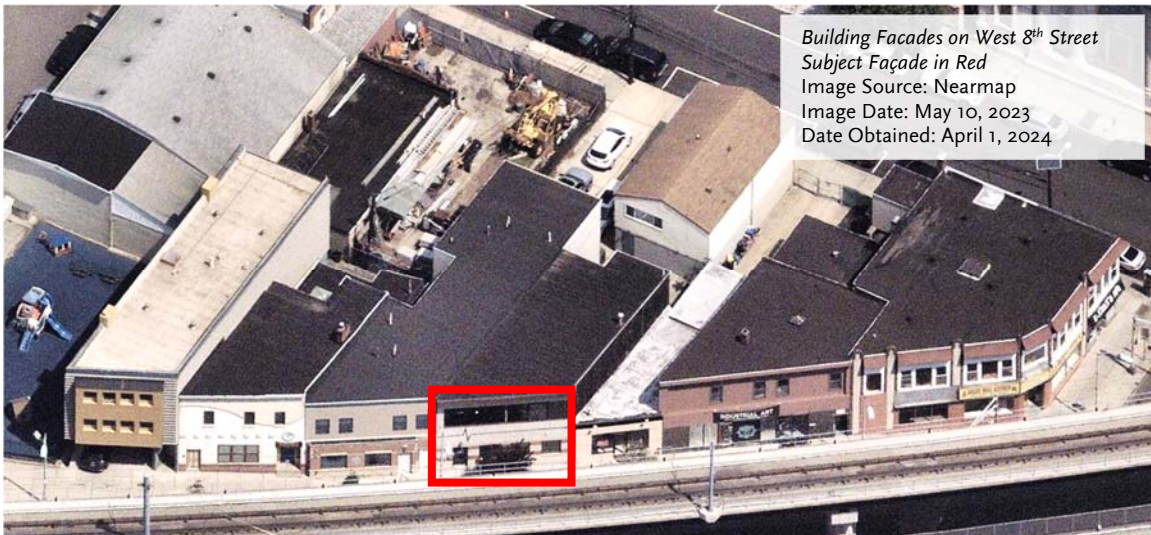
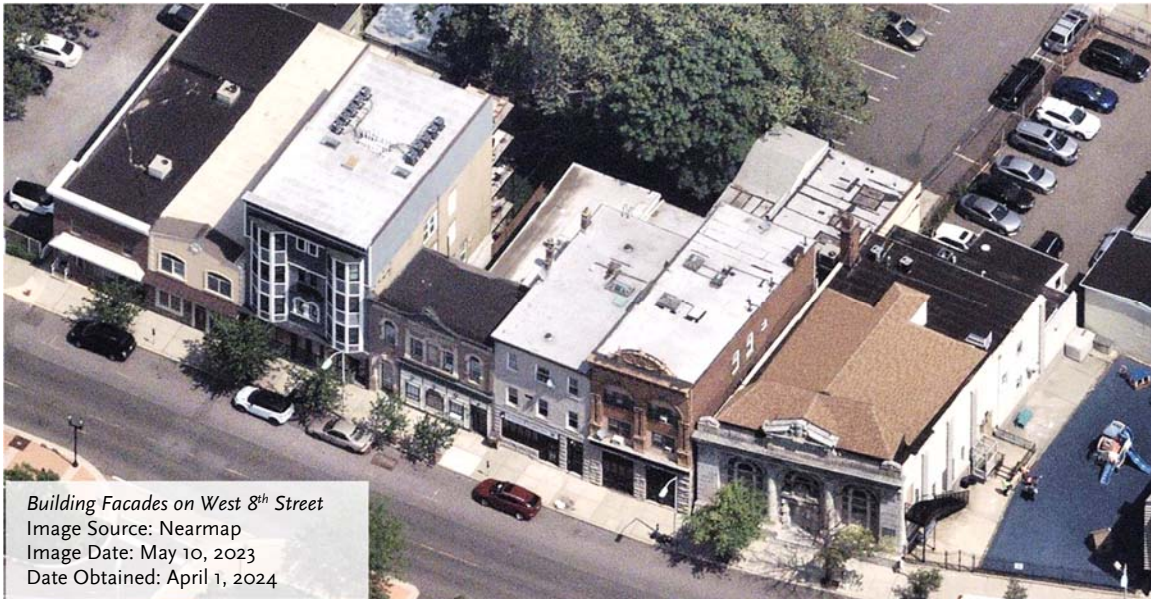
- 8.2. **Building Design - Interior.** The interior design consists of three floor plans. The first is for the ground floor, the second for the second floor apartment, and the third for the residential floors which are identical from floors three through five.

The ground floor contains three entrances. The leftmost entrance gives access to utilities, meters, and the first stairwell. The central entrance leads to a corridor with access to the elevator, machine room, trash room, sprinkler room, rear stairwell and an amenity room. The rightmost entrance leads to the 311 sf. commercial space which has a restroom in the rear.

The residential floors are nearly identical, except that the second floor contains 23 fewer square feet. Each contains an entrance from each stairwell and the elevator, a balcony, an open concept living room and kitchen facing the front of the building, half bath and full bath, one bedroom, a walk-in closet, laundry room and mechanical room. The full bath is ADA accessible.



- 8.3. **Comments on Proposed Design.** As indicated in section 8.4 below, design exceptions are required as the building does not conform with many of the design guidelines for development in the Broadway Business Corridor. Deviations include color, façade material, and glazing, as well as a significant departure from the rhythm of openings and fenestration on the block. It is recommended that the building façade be redesigned to contain required elements encouraged in the design standards. Furthermore, the building should be designed in a manner that contributes to the unique and varied streetscape on West 8<sup>th</sup> Street and as indicated in the following aerial images.



- 8.4. **Broadway District Design Standards.** The Broadway District, which this site is within, contains design standards in Appendix II of the Plan. The following design guidelines and ensuing commentary are those applicable to this project.

**Storefront and Façade Guidelines:**

a) All new buildings on Broadway are to have vertically proportioned windows and glass areas on storefronts. **The plan complies.**

b) New buildings should incorporate cornices with compound profiles and brackets or other shadow-casting elements. An awning is proposed above the ground floor and a cornice is proposed above the top floor. The cornice is a simple boxed in profile that lacks compound angles or brackets as is common among historical buildings and could have been emulated in a more modern style. In fact, it looks like when historical brackets are boxed in with aluminum sheet metal to avoid having to maintain the typical carved Italianate cornice found on 1880-1920s commercial buildings. **A design exception is required.**



c) New windows and storefronts should be treated with trim or otherwise made to look “framed” in order to create visual interest and the appearance of depth on the façade. The brick work on the ground floor aids in creating the shadow line indicative of depth, as well as the trim around the fenestration on the other floors, but the doors on the residential lack this framing. **The plan mostly complies but requires a design exception for balcony doors, which we do not recommend.**

d) All new windows shall be inset in the masonry opening a minimum of three inches (3”) and shall be operable, except for storefront glazing. While the windows appear inset, it is not clear if the inset is three inches. Testimony should be provided indicating the depth of the inset. The proposed vinyl windows shown are depicted as double hung sashes, but increasingly, only the bottom sash opens and not the top sash. We interpret this requirement to mean that both the bottom and top sashes must be operable. The storefront windows do not appear to be operable and are unlikely to be. The applicant’s architect should provide testimony about the type of windows proposed for the building. **A design exception may be required but is not recommended to be granted.**

e) The pattern or rhythm of fenestration shall be similar to that of the majority of the buildings within the block in which the building is located. The majority of buildings along West 8th Street consist of numerous architectural styles, building heights, and window placement (though windows are typically rectilinear). Whether of modern or traditional design, the buildings tend towards well detailed architectural features that are lacking on the residential floors of the buildings. **A design exception is required.**

f) Glazing shall represent at least 40 percent of the total façade area of upper floors. The area of the façade above the first floor is ±980 sf. Of that, approximately 87 sf., or 9%, is glazed.

**A design exception is required. We find this to be a very large discrepancy from the intent of the redevelopment plan and recommend that the applicant redesign the front façade to be more conforming to the ordinance.**

- g) A minimum of 70 percent of the street-facing building façade between two and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas. Approximately 25% of this portion of the façade is glazed. **A design exception is required. We note that there are functional limitations due to the rhomboid shape of the property and the need for a hallway to the elevator and the two staircases. We do not have an objection to this design exception. However, we have a comment that the front door to the residential area should have a glass insert, even if opaque, that would lessen the extent of the exception.**
- h) Product display windows used to satisfy these requirements must have a minimum height of four (4) feet and be internally lighted. The windows are greater than four feet in height. There is no lighting on the outside of the commercial façade, which would indicate that any lighting comes from inside the building. The plan complies.
- i) Real or apparent columns of wood or steel should be used to divide sections of storefronts in order to create the previously mentioned vertical proportions. Given the 31-foot width of the façade, the use of columns may be less desirable given they would reduce the amount of glass that creates transparency and visual interest. Thin, grey metal paneling between the glass window lites divides sections of the façade in a manner that is similar to the effect of columns. **A design exception is required.**
- j) Storefronts should have retractable awnings or, if cost-prohibitive, shed style awnings with an eight inch (8”) front valance and open sides. Awnings should project a minimum of three (3) feet over sidewalks. An awning is proposed, though it only projects two (2) feet over the sidewalk. **A design exception is required.**
- k) Storefront bases and curbs should be honed stone (marble, granite or slate). The proposed base is composed of red brick. **A design exception is required. Durability is the most important quality, which brick will supply.**
- l) Inlaid stone or tile areas cut into sidewalk at store entries should be encouraged (as long as they meet municipal building code requirements for friction and load). Whenever possible, street level store entries should be recessed a minimum of three feet into the ground floor façade with doors swinging out. The resulting exterior floor surface should be tile or stone with adequate slip-resistance to meet building code requirements. The door does swing outward. The site plan indicates that a concrete sidewalk will be utilized along the property frontage. The store entry is not recessed. While the plan does not comply, as the language of the guidelines indicate that this is “encouraged,” no relief is required.
- m) New and renovated storefronts should be of real brick (meaning modular brick as opposed to thin brick laid like tile) and stone, tile, real stucco (meaning three part cementitious stucco, not EFIS) or painted wood or Hardiplank with real drop siding, trim and cornices. While painted wood requires regular maintenance, if it is continuously freshened-up, gives the streetscape a well-maintained look. Painted wood facades can also be color-changed





and this ensures more visual interest over time – usually a desirable trait. The proposed storefront is composed of brick. The plan complies.

- n) Materials to be used over at least 75 percent of the building façade above the ground floor (exclusive of the glass area required) include modular brick, masonry and stone, e.g., brownstone, sandstone, limestone; and stucco. None of these materials are proposed above the ground floor, as it is exclusively vinyl siding. **A design exception is required, which we do not recommend be granted.**
- o) Materials to be limited to less than 25 percent of the building façade above the ground floor: Wood. As no wood is proposed on the façade above the ground floor, **the plan complies.**
- p) Color selections should be made as follows: Traditional and durable colors such as, beige, terra cotta, brick red, dark green, black and various grays that are natural or muted and work well with the brick and stone facades of existing historic buildings. Bright, garish colors are to be avoided. Generally, one or two colors should be selected. The base color is the predominant color applied to the walls and major surfaces. Accent color is used for trim, hardware, doors, etc. The use of too many colors should be avoided. The façade is brick on the ground floor with a gray border above the doors and storefront window assembly, crowned with a black awning or small canopy. All of the other four floors are white vinyl siding with white trim. Conversely, the material/color on the walls of the balcony is unknown. **A design exception is required; however, we recommend that the upper floors' facades be redesigned to meet the design standards of the redevelopment plan.**

## 9. Consideration of the “C” Variance

- 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 added comment on the “c” variance criteria.
- 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.

**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.

- Impact to the public health, safety and welfare. Impact to the public, typically relates to any substantial detriment to the adjoining neighbors or within the surrounding neighborhood. 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 position of the swimming pool and related structures.
- Impact to the zone plan. The applicant must show that the relief can be granted without substantially impairing the zone plan and zoning ordinance. In evaluating the negative criteria as it relates to the zoning ordinance and zone plan, the Board should consider the manner in which this application could impact the overall fulfillment of the zone.

The applicant should provide testimony in support of the variances and be prepared to discuss any potential negative impacts on neighboring properties and the zone plan.

## 10. Consideration of Design Exceptions

**10.1. Overall Comment:** The Board may also grant deviations from site plan standards, often referred to as “design exceptions.” These criteria are distinguished from variances, as they are not deviations from requirements related to use or other zoning criteria, but rather from the ordinance requirements for site plans (and subdivisions). These deviations are generally evaluated pursuant to N.J.S.A. 40:55D-51. b, which states:

*“The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.”*

This standard is similar to a ‘-c(1)’ variance, except that the applicant is not required to demonstrate that there will be no substantial detriment to the public good or impairment of the intent and purpose of the zone plan (negative criteria). The applicant should identify the degree to which the requirements are impracticable/cause hardship and also what





peculiar site conditions might exist that prevent compliance. We have noted in one instance where the peculiar shape of the lot and the need to provide for two staircases and an elevator make it difficult to meet the glazing standard for the ground floor, but otherwise there are no impediments, in our view, preventing the applicant from complying with the design standards of the redevelopment plan.

## SUMMARY

### 11. Applicant / Owner / Consultants

- 11.1. **Applicant/Owner.** Ramez Zaki of Zara Realty, LLC (Mohammad Chaudhry), 73 W. 32<sup>nd</sup> Street, Bayonne, NJ 07002. Email: [ramez\\_nashat2002@yahoo.com](mailto:ramez_nashat2002@yahoo.com) Tel: 551-358-1596.
- 11.2. **Attorney.** Peter Cecinini, Esq. of Cecinini Law Group, LLC, 1081 Avenue C, Bayonne, NJ 07002. Email: [peter@cecininilaw.com](mailto:peter@cecininilaw.com) and [jamie@cecininilaw.com](mailto:jamie@cecininilaw.com) Tel: 201-354-9305. Facsimile: 201-603-6615.
- 11.3. **Architect/Planner.** Stephen M. Kawalek, RA PP of Kawalek + Kawalek Architects, LLC, 764 Avenue C, Bayonne, NJ 07002. Email: [steve.kawalek@gmail.com](mailto:steve.kawalek@gmail.com) Tel: 201-437-0648.

### 12. Materials Reviewed

- 12.1. *City of Bayonne Application for Development Form*, with attachments, dated June 6, 2023.
- 12.2. *Statement of the Applicant*, undated.
- 12.3. *Response to Completeness Review* letter, prepared by Cecinini Law Group, LLC, dated August 25, 2023.
- 12.4. *City of Bayonne Certificate of Completeness Review*, dated October 2, 2023.
- 12.5. City of Bayonne Tax Certification Document for 7 West 8th Street, dated June 7, 2023.
- 12.6. Property Deed for 7 West 8th Street (Block 283, Lot 23.01), dated April 11, 2023.
- 12.7. *Seller's Residency Certification/Exemption*, dated April 11, 2023.
- 12.8. *Survey of Property*, prepared by Brian T. Yuro, Professional Land Surveyor of JY Land Surveying, Inc., dated March 24, 2023 consisting of 1 sheet.
- 12.9. *Topographic Survey & Minor Subdivision*, prepared by Brian T. Yuro, Professional Land Surveyor of JY Land Surveying, Inc., dated May 1, 2023 consisting of 1 sheet.
- 12.10. *Subdivision and New Dwellings Site Plan* (i.e., site plan drawing set), prepared by Harold J. Kawalek, AIA and Stephen M. Kawalek, RA PP of Kawalek + Kawalek Architects, LLC, dated and last revised May 26, 2023 consisting of 6 sheets.

### 13. Relief Required

- 13.1. **Variances:**



- §c.1 - required parking/accessory use
- §e.4 - Rear yard setback
- §f.1 - Parking space requirement

**13.2. Design Exceptions:**

- §1.3.a – No inset doors on balcony (not recommended)
- §1.3.b – Rhythm and fenestration as compared to the rest of the block (not recommended)
- §1.3.c - Window glazing percentage on upper floors (not recommended)
- §1.4.a - Window percentage on store front
- §1.7 - Storefront base material
- §1.9.a – Façade materials above ground floor (not recommended)
- §1.9.d – Façade color (siding color not recommended)

Note that additional variances and exceptions may be identified by the Board or the other professionals employed by the Board. The same applies to the conditions of approval.

**14. Conditions of Approval**

- 14.1. Affordable Housing Fees for Residential Development.** As a condition of approval, any required residential affordable housing fees required by the City ordinance should be paid.
- 14.2. Bicycle Parking.** As vehicular parking is not proposed, it is recommended that bicycle parking for tenants be provided.

We would be pleased to answer any questions regarding this report.