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MEMO TO: City of Bayonne Zoning Board

FROM: Malvika Apte, PP/AICP
Consulting City Planner 

DATE: September 3, 2021

RE: **John and Maryan, LLC**
Minor Subdivision and Bulk Variances
Planning Report # 1
Block 84, Lot 41
90-92 West 45th Street
Bayonne, New Jersey
Our File: PBYP0084.02
Application # P-19-039

As per your request, our office has reviewed the above referenced application. The following documents were reviewed for this application:

- Application Form, Development Application Checklist and Statement;
- One (1) sheet of survey prepared by Behar Surveying Associates, PC dated March 2019.
- Nine (9) sheets titled "(New Lot 41.01; Block 84) 90 W 50th St. / (New Lot 41.02; Block 84) 92 W 45th St. / Bayonne, New Jersey Proposed New (2) Two-Family Dwellings", prepared by RA Design & Consultants LLP, dated September 18, 2019 and last revised July 23, 2021.

We offer the following comments for the Board's consideration:

1. Summary of Application:

The application is for an interior 50-foot by 100-foot (5,000 square feet) property that is located at 90-92 West 45th Street, on a block between Avenue B to the west and Avenue C to the east. The property is owned by John and Maryan, LLC and is identified as Block 84 Lot 41 in the City tax records. It is located in the R2 Detached/Attached Residential Zone.

Per the property survey, the site is currently developed with a two and a half story frame dwelling consisting of 1,809 square feet, and built in 1920 according to County property records. The submitted plans indicate that the property is currently utilized as a two-family dwelling. ***This shall be confirmed.*** The property includes a concrete driveway along the southerly property boundary from West 45th Street to a block garage at the southern most corner of the property, a concrete patio near the southerly corner of the property, and an astroturf backyard.



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With this proposal, Applicant is seeking approval to demolish the existing improvements, subdivide the property into two equal 25-foot by 100-foot lots (proposed lots 41.01 and 41.02), and construct one (1) two-family dwelling on each of these proposed lots. Each of the two (2) new structures will be a three-story brick/frame dwelling, and will be mirror images of each other. The first dwelling unit ("unit 1") is to be on the first two floors of each of the buildings, and the second dwelling unit ("unit 2") will occupy the third floor. Unit 1 will consist approximately 1,524.7 square feet, and is proposed to include four (4) bedrooms, three (3) bathrooms, a living room, and a kitchen. Unit 2 will consist about 1,043.9 square feet, and is proposed to include three (3) bedrooms, two (2) bathrooms, a kitchen, and a living room. Each of the units will have separate washers and dryers, and will have a Juliet balcony off of the living room, and a balcony off of each master bedroom. Each of the two buildings will have a two-car garage and one parking space in front of it. Unit 1 appears to have sole access to the garage; **Applicant shall confirm that this is the case.** Both buildings will have an area of grass to their rear.

During the TRC process, concern was expressed by City representatives and consultants regarding the ground floor residential configuration being converted to a third dwelling unit. The Applicant revised the floor plans to remove most of the "family room". While this reduces the size of the ground floor living space and allays some of our concern, we still suggest the possibility of revising the bathroom (to be a "powder room" type bathroom with toilet and sink) or removing the bathroom altogether.

Access to Unit 1 will be through a door from the garage, and a door into the living room from a porch on the second floor (which is accessed by exterior stairs). Access to Unit 2 is via a door from the second floor porch, which leads to a stairwell up to this unit on the third floor.

2. Zoning and Bulk Variances:

- (a) **Use:** The subject property is located in the R-2 district Detached/Attached residential district, in which detached two-family dwellings are a permitted principal use. As the dwellings proposed are both detached two-family dwellings, the use is permitted.
- (b) **Bulk regulations:** The following table provides the requirements for detached double-family residence in the R2 Zone and compares the existing development and proposed developments.



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Bulk and Yard Standard				
	R2 Detached Double-Family (Interior Lot)	Existing	Proposed Lot 20.01	Proposed Lot 20.02
Minimum Lot Area (sq. ft.)	3,000	5,000	2,500 (V)	2,500 (V)
Minimum Lot Frontage (ft.)	30	50	25 (V)	25 (V)
Minimum Lot Width (ft.)	30	50	25 (V)	25 (V)
Minimum Lot Depth (ft.)	100	100	100	100
Minimum Front Yard Setback (ft.)	20	9.1 (E)	20	20
Minimum Rear Yard Setback (ft.)	20	45.4	20	20
Minimum Side Yard Setback One / Both (ft.)	3 / 6	1.2 (E) / 16.6	3.1 / 6.2	3.1 / 6.2
Maximum lot coverage*	90 %	62%	84%	84%
Maximum Height (ft./ sty)	35 / 2.5	+35 / 2.5	34.58 / 3 (V)	34.58 / 3 (V)
Floor Area Ratio	None	N/A	N/A	N/A

(V) Variance
 (e) Pre-existing non-conformity

* Lot Coverage recently amended 2020

- i) The proposed development will create two lots with half the width and half the area of the original parcel. This will reduce the lot width and lot frontage to 25 feet, lower than the minimum required of 30 feet. **Variances for both lots are required.** This will also lower the lot area to 2,500 square feet, lower than the required 3,000 square feet. **Variances for both lots are required.**
- ii) The maximum permitted lot coverage per the revised amended ordinance for the R-2 Zone is 70%. The application was filed in 2019, when the maximum permitted requirement was 90%. The proposed lots will each have coverages of 84%. Given the revised ordinance and the intent of the City in reducing impervious coverage, applicant should testify how the coverage can be reduced to bring the site more in conformance with the new standards.



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- iii) The maximum number of stories permitted is 2.5. The plans provide for three (3) stories. The submitted plans notes the 2.5 story based on note "a" of the City of Bayonne Zoning Regulations Schedule 1 states "Ground story garages accommodating not more than two (2) cars shall not be included in height calculations." The proposed plan includes a garage and a livable space to the rear and this does not comply with the definition of half story. ***As the garage is not the only development proposed for the ground floor, we note the ground floor as a full story. As such, three stories are proposed, and variance is required.***

3. **Review:**

- (a) **Useable Open Space:** As both buildings are double-family dwellings, they do not meet the definition of multifamily dwellings to which Section 35-5.26k applies. As such, the requirements of that section do not apply to this development.
- (b) **Parking:** Per Section 35-17.6, the proposed layout of each building with two dwellings (one with three bedrooms and one with four bedrooms) requires 3.25 (1.5 for three bedrooms and imputing 1.75 for four bedrooms) off-street parking spaces. Per Section 35-17.6.a.4, any fraction requires a parking space. As such, a total of four parking spaces are required per building. The plans indicate that each building will have four spaces (two in the garage and two outside). ***The distribution and usage of these spaces should be discussed.***
- (c) **Fencing:** The site plan indicates that new fences are to be provided; however, it is difficult to ascertain exactly where the new fencing is proposed. This should be clarified on the plans and at the Board hearing. Additionally, a detail of "Six Foot High PVC Fence" is provided on sheet B-202 of the plans. Applicant shall confirm that this detail represents all proposed fencing, both at the hearing and in the site plan (by indicating the type of fence on the site plan). If the fencing represented by the detail is confirmed to be installed only on sides and rear of the proposed properties, this will comply with Section 35-4.14.a.
- (d) **Security:** Applicant shall provide testimony indicating if separate keys/locks will be provided for the two units in each building.
- (e) **Refuse:** We note a 12.8 square foot refuse area accessible by an exterior door on both buildings. The Applicant should provide testimony regarding the garbage and trash recycling operations of the buildings, including how residents will access this area, if trash and



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recycling will be separated, how many collections cans will be provided, and who is responsible for placing the trash/recycling at curbside on pick-up days.

- (f) **Façade:** Applicant should discuss the architectural features of the front-facing facades of the buildings and how these will fit into and enhance the neighborhood.

If you should have any questions with regard to the above matter, please do not hesitate to call.

cc: Land Use Administrator
Board Attorney
City Engineer
Zoning Officer
City Planner