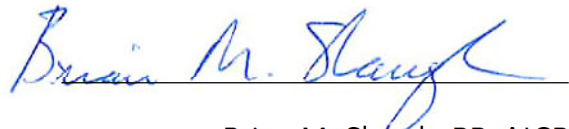


Review #1

KKC18, LLC
Minor Subdivision
Application P-24-009
R-2 DETACHED/ATTACHED RESIDENTIAL DISTRICT

57-59 Evergreen Street
Block 320, Lot 10.01

Prepared for the City of Bayonne by:



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April 14, 2026



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INTRODUCTION

1. Project Summary and Site Description

- 1.1. Proposal.** The applicant requests minor subdivision approval with bulk variances to subdivide the subject property (Lot 10.01) into two lots (proposed Lots 10.01 and 10.02), each of which will be developed with a two-family residential dwelling. Each lot is proposed to have 25 feet of lot frontage and 2,500 sf. of lot area, both of which are variance conditions. The applicant also requires variances related to the construction of the two new structures for maximum structure height in stories.
- 1.2. Proposal Details.** Each proposed building is three stories. One dwelling unit is made up of living space on the ground floor and second floor, while the second dwelling consists of living space just on the third floor. The ground floor contains a bedroom, full bathroom and recreation room, as well as laundry, mechanical equipment (water heater, furnace/air handler), storage space and a one-car garage. The second and third floors are laid out almost exactly the same; three bedrooms, two full bathrooms, living/dining room and kitchen. The third floor unit has its laundry facilities within the third floor living space as well as access to the attic. Both the ground/second floor unit and third floor unit are accessed via separate entrances from a shared exterior staircase, although the ground/second floor unit also can be accessed from within the garage and via an exterior door on the side of the building. The ground/second floor unit contains approximately 2,100 sf. and the third floor unit contains 1,050 sf. A closet for refuse storage is located on the exterior wall of the ground floor. HVAC condensers are proposed at grade at the rear of each building. In front of the building there is a two-car, permeable paver, driveway/parking pad accessed by a 10-foot-wide curb cut at the street. There is a three-foot-wide planting bed along the west side edge of each driveway. A paver walkway extends from the front of the parking area to the side entrance of the ground floor on the west side of each building. One street tree is proposed in front of each lot.
- 1.3. Existing Conditions.** The subject property is a 5,000 sf. parcel located on the north side of Evergreen Street, between Hobart Avenue and Orient Street. The property contains a 2½ story residence situated on the east side of the lot. There is a driveway that extends along the west side of the building to the rear of the property where there are two sheds.
- 1.4. Neighborhood Context.** The property is in the R-2 Residential District. The uses surrounding the subject property predominantly consist of single and two-family residential dwellings on 25- and 50-foot-wide lots. The PSEG Bergen Point substation is located to the west at the corner of Evergreen and Orient Streets.
- 1.5. Flood Designation.** The property is located within an area that is inundated by the climate-adjusted flood, which is the flood regulated by the State under the Flood Hazard Area Control Act (FHACA) rules. Living areas and mechanical equipment serving the dwellings must be elevated above the regulated flood elevation an additional 4 feet, per the FHACA. The plans indicate the existing ground elevation is approximately 17.7. The ground floor elevation of the proposed buildings will need to be set to approximately elevation 22. This will severely affect the slope of the proposed driveways. **We recommend the applicant**





Figure 1. Recent Aerial view of the Subject Property

obtain a determination from the City's Floodplain Manager as to the required ground floor elevation.

ZONING – R-2 DETACHED/ATTACHED RESIDENTIAL DISTRICT

2. Use Standards

- 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. A two-family dwelling is proposed on each lot. **The plan complies.**
- 2.2. **Required Accessory Uses.** 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 Comment 4.2 of this report, the proposed parking complies with §35-17. **The plan complies.**

3. Area, Yard & Structure Requirements

- 3.1. **Bulk Requirements.** Compliance with the bulk and lot standards of the R-2 District is summarized in Table 1.0 below. **Variances are required for the proposed minimum lot area, minimum lot width and minimum lot frontage as well as for the proposed buildings' height in stories.**
- 3.2. **Minimum Lot Area Variances.** The proposed area for each lot is 2,500 sf., whereas the district requirement is 3,000 sf. **Each proposed lot requires a variance. However, see our Comment 5.2 on legislative intent.**

- 3.3. **Minimum Lot Frontage Variances.** The proposed frontage for each proposed lot is 25 feet, whereas the district requirement is 30 feet. **Each proposed lot requires a variance. See also our comments in 5.2.**

Lot and Bulk Requirements §35-5.3.e						
Standard	Required	Existing Lot 10.01	Proposed			
			Lot 10.01	Complies	Lot 10.02	Complies
Minimum Lot Area	3,000 sf.	5,000 sf.	2,500 sf.	No	2,500 sf.	No
Minimum Lot Frontage	30 ft.	50 ft.	25 ft.	No	25 ft.	No
Minimum Lot Width	30 ft.	50 ft.	25 ft.	No	25 ft.	No
Minimum Front Yard Setback	20 ft.	3.8 ft.	20 ft.	Yes	20 ft.	Yes
Minimum Rear Yard Setback	20 ft.	47 ft.	20 ft.	Yes	20 ft.	Yes
Minimum Side Yard Setback (one yard/both yards)	3 ft./ 6 ft.	4.9 ft./ 30.6 ft.	3.1 ft./ 6.2 ft.	Yes	3.1 ft./ 6.2 ft.	Yes
Maximum Structure Height (feet / stories)	35ft. / 2½ stories	20± ft. / 1 story	35 ft. / 3 stories	No	35 ft. / 3 stories	No
Maximum Lot Coverage	70%	47%	65%	Yes	65%	Yes

- 3.4. **Minimum Lot Width Variances.** The proposed width for each proposed lot is 25 feet, whereas the district requirement is 30 feet. **Each proposed lot requires a variance.**
- 3.5. **Maximum Structure Height Variances.** The proposed buildings are 35 feet, which complies with the district requirement for height in feet, however these structures are proposed to be three stories tall, whereas the number of stories is restricted to 2½ stories. Although 35-5.26.j.1 allows for ground level garage space in one- and two-family dwellings to be exempted from being considered a story, that provision is only applicable when the garage area does not abut livable space. The proposed ground level of each building contains livable space. The ground floor therefore counts as a full story. **Each proposed building requires a variance for exceeding the permitted number of stories. Under longstanding City interpretation this requires a “-c” bulk variance and not a “-d(6)” variance.**

4. Off-street Parking

- 4.1. **Minimum Parking Requirement.** Per §35-17.6.b, 1½ parking spaces are required for each two-family dwelling unit containing three bedrooms. For each two-family residence, the plan indicates three off-street parking spaces, including one in each garage and two in each driveway. The garage parking space is connected to the living area of the second-floor unit. **The driveway appears to be shared between both dwelling units in the same building, however the configuration of the driveway spaces, the garage opening and the curb cut does not allow for the safe and effective function of these spaces. There is insufficient driveway width in front of the building to accommodate a second vehicle parked in the driveway without obstructing the use of the curb cut and garage, even if the planters along the side**

of the driveways are removed. We defer to the Board Engineer for consideration of a wider curb cut that would allow all vehicles to exit the premises without any obstructions.

- 4.2. **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. The proposed garage and driveway spaces are at least 10 feet by 20 feet each. **The plan complies.**
- 4.3. **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.**
- 4.4. **Maximum Curb Cut Width.** Per §35-17.5.a no curb cut shall exceed 10 feet in width in residential zones. The proposed curb cuts that service each new building are 10 feet in width. **The plan complies.**

5. Lighting and Landscaping

- 5.1. **Street Trees.** Per §33-10.11, shade trees shall be provided as part of a residential subdivision at a rate of one tree per lot and located on the street line. All street trees and on-site deciduous trees shall not be less than 3½ inches in caliper at the time of planting, and the minimum highest must be 8 feet for deciduous trees. The site plan indicates one street tree to be planted on each lot frontage, but does not specify a tree species or plant size. **This office recommends that the applicant use Trident maple (*Acer buergerianum*) or similar small shade tree given the overhead utility lines on this side of the street. We also recommend planting at a size of 2-2½ inches per caliper and granting the applicant a design exception since this smaller size will improve the ability of the tree to better adapt following planting.**
- 5.2. **Rain Gardens.** At the rear of each lot the plans depict a rain garden that is connected to roof drainage from each building. There are no specifications for the plantings within the rain gardens, grading or any construction details. **The plans should be revised to include a plant list with planting details and notes, grading and drainage details that ensure the rain gardens will function properly.**
- 5.3. **Plantings.** The plans depict a row of shrubs in a planting bed along the west side of each proposed driveway. There is no plant list, planting details or other information pertaining to these plantings. **We recommend small shrubs or groundcover plants be used and that a planting detail which depicts sufficient area and permeable soils to support the plants be provided.**
- 5.4. **Lighting.** 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. There is no lighting plan included in the application materials; however, the building elevations depict flood lights on the rear of the building and light fixtures on either side of the garage door and at the side entry door. **We recommend downward focused, non-glare, lighting, with a color temperature between 2,700° - 3,200 ° K be specified.**

6. Solid Waste Utilities and Mechanical Equipment

6.1. Trash/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 plans indicate a single, approximately 16 sf. refuse closet on the ground floor on the west side of each building, that is accessed from the walkway in the side yard. This space is only large enough to store one, typical wheelie bin. It is unclear as to whether this space is reserved for the entire building or for the unit on the upper floor. Although there is sufficient space within the garage to accommodate multiple containers to allow for storage of separate materials, that space is accessible only to the ground floor unit. There is no other space within the units dedicated to waste or recyclable storage. **The applicant should provide testimony as to the size and location of waste and recyclable storage for each dwelling.**

6.2. Mechanical Equipment. The plans depict two HVAC condensers in the rear of each building, an air handler/furnace within a utility closet in the garage and an attic access for HVAC equipment on the third floor. **The applicant should clarify if each of the exterior HVAC units are dedicated to each dwelling or if both units are for the ground level/second floor dwelling only. We note that the exterior HVAC equipment is located directly adjacent to the egress window in the ground level bedroom. If additional equipment is required in the rear of the building, it may compromise the egress window.**

The plans also depict two water heaters in the garage utility closet, but not anywhere else in the building. **The applicant should clarify the location of the water heater for the third floor unit in each building.**

6.3. Utilities. Electric and gas meters are noted to be mounted on the east building wall for each building. **The applicant should confirm that electric service to the buildings will be via underground service.**

SUBDIVISION

7. Minor Subdivision

7.1 Minor Subdivision. The application is classified as a minor subdivision per §33-5.2 of the City Planning and Development Regulations as it:

- results in no more than three lots (a total of two lots results);
- the property had frontage on an existing street;
- the subdivision does not involve the construction or substantial reconstruction of any new or existing street; and
- the subdivision does not involve the extension of any off-tract improvement.

7.2 Lot Size. The proposed lot area for Lots 10.01 and 10.02 is 2,500 sf., whereas the district requirement is 3,000 sf., per §35-5.3.e. The vast majority of lots in this area of Bayonne are on lots that are 25' x 100'. There is no additional land that the applicant may be able to

acquire on either side of the lot to add the additional width needed to create conforming lots. While the subject property is not an undersized lot, §35-16.6 provides guidance for consideration of development on lots of insufficient area:

- The total lot area is not less than 2,500 sf.;
- The required minimum front, rear and side yards are provided; and
- Off-street parking is provided in accordance with the zoning ordinance.

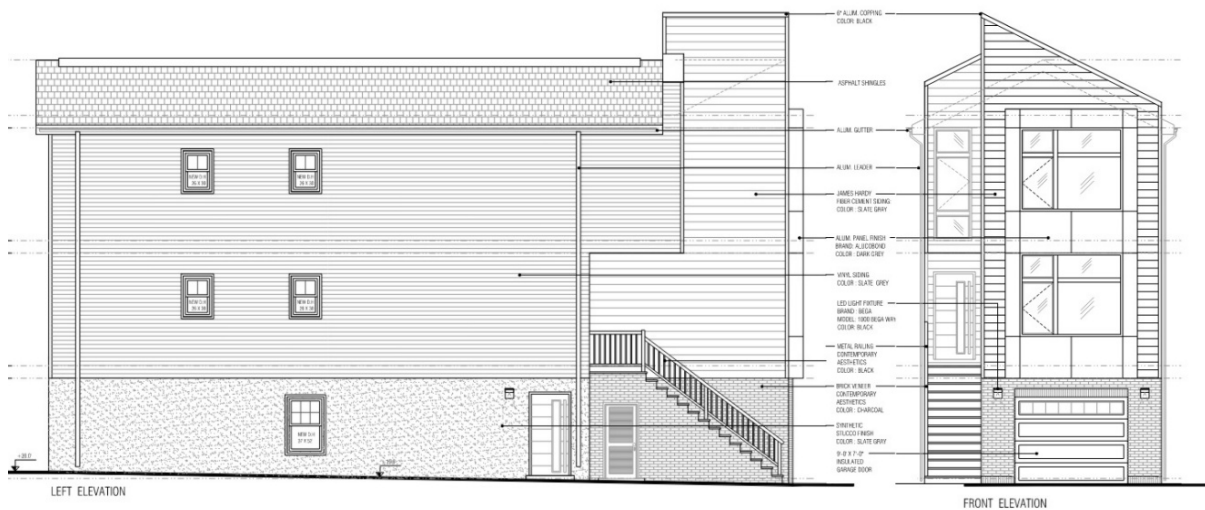
The proposed development complies with all of these criteria, which may inform the Planning Board in its deliberations over this application.

DESIGN

8. BUILDING DESIGN

8.1. Ground Floor Layout. Each building has approximately 550 sf. living space on the ground level that is laid out with a bedroom with walk-in closet, full bathroom, washer/dryer and recreation room. These are accessed via a door from the garage and from an exterior door on the side of the building. There is a concern that the living space on the ground level could be easily converted to a separate dwelling unit. The Board may consider requiring the applicant to record the resolution of approval stipulating the new buildings are two-family dwellings and that the ground floor of each building is not to be used as a separate dwelling unit.

8.2. Proposed Building - Exterior. The proposed buildings are three-stories with the front of the buildings having an asymmetrical roof line and contemporary façade. Each building contains more than 3,000 sf. of living area, similar in scale to typical two-family dwellings in Bayonne. The side and rear façades have clapboard style vinyl siding on the second and third floors while the ground floor has a stucco finish. The color palette consists of shades



Architectural Elevations of the Proposed Front Façade (right) and Side Façade (left)

of gray; charcoal brick, slate gray stucco, vinyl and fiber cement clapboard siding, dark gray aluminum composite panels, and black railings. The window trim and doors are not specified. No renderings have been provided but an architectural elevation is provided below.

VARIANCES AND DESIGN EXCEPTIONS

9. CONSIDERATION OF THE VARIANCES AND DESIGN EXCEPTIONS

9.1. Context for Review – ‘c’ Variances. 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.

a. 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.

b. Consideration of the Negative Criteria. Should the applicant satisfy the positive criteria, it must also be demonstrated 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 and aesthetics that cannot be adequately mitigated. The applicant

should address any impacts to the character of the neighborhood resulting from the excess number of building stories.

- 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 R-2 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.

- 9.2. **Context for Review - Design Exceptions:** 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.

PLANNING POLICIES

10. RELEVANT PLANNING POLICY

10.1. **Master Plan Goals.** The 2000 Master Plan for Bayonne included several goals which are relevant to the Board’s consideration of this application. The following issues and objectives can be found in the 2017 Master Plan Reexamination Report:

- *Detached/Attached Residential: Maintain the existing density for detached/attached residential within interior blocks at 15 to 35 units per acre (page 5).*
- *Provide for adequate parking to serve established residential and commercial areas. Incorporate adequate parking into new developments (page 8).*
 - *Parking has still been a significant issue today within the City, especially within the residential areas. There is an ordinance that allows parallel parking in front of driveways to maximize on-street parking. Parallel parking in residential areas is still a significant issue. The City divided many neighborhoods into zones for on street*

parking in response to the impact of commuter vehicles into residential areas. The City created the residential permit parking areas “to alleviate and restrict the unfavorable parking conditions outside the flow of commuter traffic to said residential neighborhoods” As stated under the Parking and Permits section of the Bayonne Website. However the City can also issue parking permits to those who work but do not live within the City. These people are assigned a permit and can only park in their designated parking zone (page 30).

- *Provide a broad range of housing to meet the needs of all residents including low and moderate income housing, middle-income housing and market rate or luxury housing (page 15).*

While the proposed development generally advances the aforementioned goals there are aspects of the development, such as the potential for a conversion of the ground floor living space to an additional dwelling unit which is clearly not supported.

APPLICATION INFORMATION

11. APPLICANT / OWNER / PROFESSIONALS

- 11.1. **Applicant/Owner.** KKC18, LLC, Shankar Donepudi, 14 Stern Light Dr., Mt. Laurel, NJ 08054.
- 11.2. **Attorney.** Paul N. Weeks, Esq., Raff, Masone & Weeks, PA, 1083 Avenue C, Bayonne, NJ 07002. Tel: 201-339-0924. Facsimile: 201-339-0250. Email: firm@RMWlawfirm.com
- 11.3. **Architect.** Jeffrey V. Lewis, RA, Pelliza Design, LLC, 297 Kinderkamack Road, Suite 101, #184, Oradell, NJ 07649. Tel: 973-391-6757. Email: [pellizamariano@gmail.com](mailto:pelizamariano@gmail.com)

12. MATERIALS REVIEWED

- 12.1. *City of Bayonne Application for Development Form*, with attachments, dated March 15, 2024.
- 12.2. *Statement of Applicant*, undated.
- 12.3. *City of Bayonne Certificate of Completeness Review*, dated January 30, 2026.
- 12.4. Property Deed, dated May 18, 2023.
- 12.5. *Zoning Denial Letter*, prepared by Tracey Tuohy, dated September 13, 2024.
- 12.6. *Proposed New (2) Two Family Dwellings*, prepared by Jeffrey V. Lewis, RA, Pelliza Design, LLC, dated December 12, 2023, consisting of six sheets.
- 12.7. *Survey of Property*, prepared by Andrew A. Schmidt, PLS, Schmidt Surveying, consisting of one sheet.

13. RELIEF REQUIRED

13.1. Variances:

- §35-5.3.e Minimum Lot Area (Lot 10.01)
- §35-5.3.e Minimum Lot Area (Lot 10.02)
- §35-5.3.e Minimum Lot Frontage (Lot 10.01)

- §35-5.3.e Minimum Lot Frontage (Lot 10.02)
- §35-5.3.e Minimum Width Frontage (Lot 10.01)
- §35-5.3.e Minimum Width Frontage (Lot 10.02)
- §35-5.3.e Maximum Building Height in Stories (Lot 10.01)
- §35-5.3.e Maximum Building Height in Stories (Lot 10.02)

Note that additional variances or design exceptions may be identified by the Board or the other professionals employed by the Board during testimony. 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. Recordation of Approval.** The resolution of approval should be recorded in the County land records with a rider that stipulates the new buildings are two-family dwellings and that the ground floor of each building is not to be used as a separate dwelling unit.

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