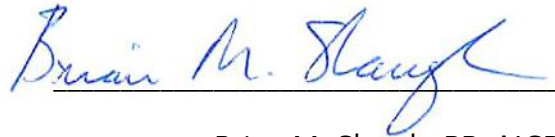


Review 1
Preliminary and Final Major Site Plan
w/Variances
Quattro Amici, LLC
(P-24-011)

Block 121, Lot 25
585 Avenue E
Transit Development District (TDD)

Prepared for the City of Bayonne by:



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May 8, 2024



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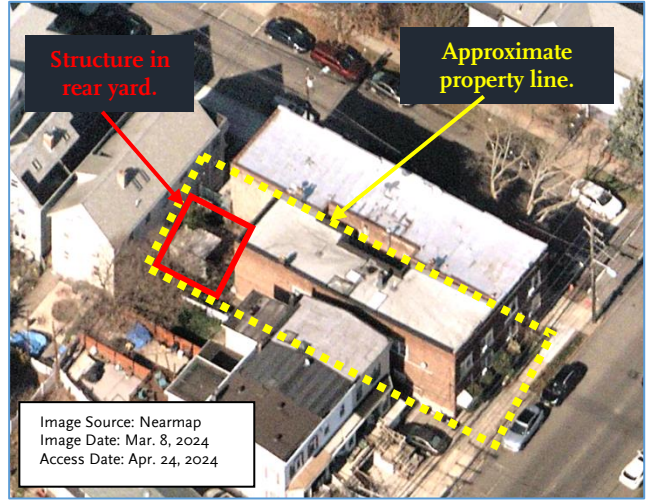
Project Summary and Site Description

- I.1. **Proposal.** The Applicant is seeking preliminary and final major site plan approval and bulk variance relief to make limited alterations to the outside of an existing multifamily building and to renovate the interior of the building to add an additional apartment. Exterior improvements consist of new masonry steps in the front of the building along Avenue E leading below grade to the proposed studio apartment and a new street tree. Interior renovations consist of converting an existing recreation room into a studio apartment that is 447 sf. in an area located within the basement of the building.
- I.2. **Existing Site Conditions.** The site is an interior lot that is rectilinear and contains frontage on the westerly side of Avenue E between East 37th and East 36th Street, though nearer to the intersection with East 37th Street. The site contains an existing three story multifamily apartment (four two-bedroom units) that has been in existence since at least 1954 according to historic aerials. The building is composed of red brick with a running bond pattern, soldier rows above the windows, and a decorative cornice and parapet at and above the roof line. The building is attached to the northeasterly neighbor, a similar, though larger, building. Where the buildings connect in the center are courts on either side of the property line to provide light and air. The buildings are the same height, though the neighboring builder is wider and deeper. The building has a zero front lot line, being directly on the sidewalk. A concrete walk is located on the southwest side of the building leading to a rear yard containing a concrete patio and trash cans. There is no parking located on site, nor is any proposed.



The site is not located near any known contaminated sites. The site is not in a floodplain, nor is it located on or near any wetlands.

I.3. **Structure in Rear Yard.** While not indicated on the plans or survey, recent aerial imagery indicates that there is some kind of structure in the rear yard. The applicant should provide testimony as to whether this structure remains on the property and what its purpose is. If this is a permanent structure, it is subject to setback requirements.



I.4. **Neighborhood Context.** The site is located within the Transit Development District (TDD). The immediate neighborhood is residential. There are a mix of dwelling types in the area, including other multifamily buildings of a similar size and scale, as well as single- and two-family dwellings, both attached and detached. Broadway, the City's premier mixed-use and commercial corridor, is located one block to the northwest, which contains shopping, services, and Horace Mann School (a kindergarten – eighth grade public school) which is located between 38th and 39th Street on Broadway. The 34th Street Light Rail Station is located approximately 600 feet to the south. Near to the site is the East 40th Street Bridge which provides access to The Peninsula at Bayonne Harbor (the former Military Ocean Terminal of Bayonne). N.J. Route 440 is just to the east of the site, as is the Costco, though it can only be accessed via the 40th Street Bridge.



585 Avenue E Building Façade (PIQ)

1.5. **Relief Required.** A list of required variances and exceptions can be found in Section 8 of this report.

2. Zoning

2.1. **Permitted Principal Use.** Per §35-5.13.a.4, multifamily dwellings, or apartment houses, are permitted at a density not exceeding 150 DU/acre. The plan complies.

2.2. **Required Accessory Uses.** Per §35-5.13.b, the following accessory uses are required for uses in the TDD zone.

2.2.1. **Parking Spaces.** Six parking spaces are required. The existing two-bedroom apartments require 1.25 spaces each, which when rounded up, is equal to five spaces. The proposed studio requires one space, totaling six spaces. No parking spaces exist or are proposed. **Variance relief is required.**

2.2.2. **Loading Spaces.** This is not applicable as loading spaces are not required for residential uses.

2.3. **Principal Building Bulk Standards.** The plan is subject to the bulk regulations found in §35-5.14.e.1-7 of the Bayonne Zoning Ordinance that are specific to “Apartment Houses”. **There are several preexisting nonconformities, and some outstanding questions relating to the site for which information was not provided.**

Table 1: §35-5.14.e.1-7– TDD Bulk Regulations for Apartment Houses				
	Standard	Existing	Proposed	Complies?
Principal Building				
Minimum lot area (sf.)	30,000	2,500	No change	No
Min. lot frontage (ft.)	150	25	No change	No
Min. front yard (ft.)	30	0	No change	No
Min. rear yard (ft)	20	25 ft. 1 in.	No change	Yes
Max. building height (ft. and stories)	55 / 5	32 ft. / 3 stories	No change	Yes
Min. gross habitable space – ground floor (sf)	600 sf.	?	?	?
Min. gross habitable space (sf)	1,000 sf.	?	?	?
Max. lot coverage	75%	100%	No change	No
Min. unoccupied open space	15%	±15 – 20%	No change	Yes
Accessory Building				
Min. Rear Yard Setback	5 ft.	?	?	?

- 2.4. **Minimum Lot Area.** Per §35-5.14.e.1(e), the minimum required lot area of “apartment houses” is 30,000 sf. The lot contains 2,500 sf. This is a preexisting condition. **It is recommended that the applicant seek variance relief for this condition if it was not granted previously.**
- 2.5. **Minimum Lot Frontage.** Per §35-5.14.e.2(e), the minimum required lot frontage of “apartment houses” is 150 ft. The lot contains a total frontage of 25 ft. This is a preexisting condition. **It is recommended that the applicant seek variance relief for this condition if it was not granted previously.**
- 2.6. **Minimum Front Yard Setback.** Per §35-5.14.e.3(e), the minimum required front yard setback is 30 feet. The setback is zero feet. This is a preexisting condition. **It is recommended that the applicant seek variance relief for this condition if it was not granted previously.**
- 2.7. **Minimum Habitable Area – Ground Floor.** Per §35-5.14.e.4(e), the minimum habitable floor space for the ground floor of an apartment building is 600 sf. The proposed studio dwelling is 447 sf. in size, however, per the definition included in §33-2.2, this is not the ground floor. Rather, it is a basement, and appears to be exempt from the requirement.

Basement - Shall mean a portion of the building partly underground, but having less than 1/2 of its clear height below average contact grade around the periphery of the foundation.

Ground Floor - Shall mean the first floor of a building other than a cellar or basement.

The ground floor is the first floor at grade. This area of the ground floor is ±1,300 sf. and contains two dwellings. The habitable area of these spaces is not indicated, however, it appears to comply. **The information should be provided via testimony and included on the plan as a condition of approval.**

- 2.8. **Minimum Habitable Area.** Per §35-5.14.e.8(b), the minimum required gross habitable floor area per unit is 1,000 sf., which in this instance would require 5,000 sf. (5 units x 1,000 sf.). This information is not provided on the plan, but it appears that the gross habitable floor space is ±3,047 sf. (this floor area was obtained by adding the total area of floors one and two, combined with the proposed 447 sf. studio). This is likely an overestimation. In either case, variance relief is required as the minimum requirement is increased due to the added unit. **Variance relief is required, and this information should be provided on the plan as a condition of approval.**
- 2.9. **Maximum Lot Coverage.** Per §35-5.14.e.5(2), the maximum permitted lot coverage is 75%. 100% of the lot is currently impervious. **It is recommended that the applicant seek variance relief for this condition if it was not granted previously. It is also recommended in 3.3.1 of this report that steps be taken to reduce the amount impervious coverage on the site, particularly in the rear yard.**



- 2.10. **Accessory Structure Setback.** Per §35-5.14.e.4(b), accessory structures require a minimum rear yard setback of five feet. As indicated in 1.3 of this report, there does appear to be a structure in the rear yard, though it is not on the plans. The applicant should testify as to the status of this structure and its distance from the lot line. **A variance may be required.**

3. Site Plan

3.1. Site Access.

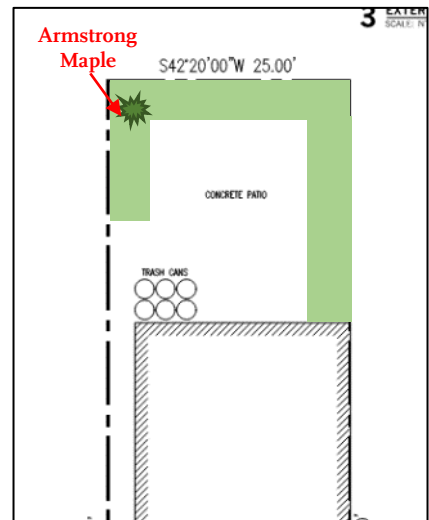
- 3.1.1. **Vehicular.** The site does not contain vehicular access.
- 3.1.2. **Pedestrian.** Access to all of the units is through the front façade located on Avenue E. The existing units are accessed via the southernmost entrance which has two steps leading into the building. The proposed basement studio will be accessed via new masonry steps, which are adjacent to the existing steps, and are proposed within the right-of-way. A concrete walk is located along the southwesterly side lot line which contains steps and leads to the rear yard. **As a condition of any approval, the applicant should receive approval for this protrusion into the right-of-way from the Municipal Council.**

3.2. Off Street Parking and Circulation.

- 3.2.1. **Parking Requirement.** Per §35-17.6, multiple family dwellings are required to provide parking based on the number of bedrooms per unit. Two bedroom apartments require 1.25 spaces, four of which require five spaces. Efficiency/studio apartments require one space. A total of six spaces are required, none of which are provided. **Variance relief is required. As a means of mitigating this condition, the applicant may consider including designated bicycle parking within the storage area in the rear of the basement.**

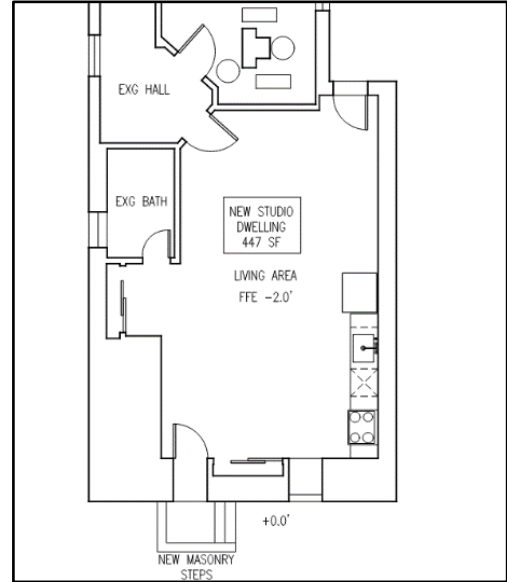
- 3.3. **Landscaping.** One Red Maple (*Acer rubrum*) tree is proposed on Avenue E. This is an attractive and reasonable tree species in this area.

- 3.3.1. **Additional Green Space in Rear Yard.** This office recommends that some of the impervious space in the rear yard be converted to green space and include plantings, and if possible, a small shade tree. This is to limit heat island effect, decrease lot coverage, and provide a more attractive rear yard amenity for the residents. This is indicated in a simple manner in the image to the right, with the green area indicating possible places for green space, and the darker green shape representing a potential tree planting area. The recommended tree species in this area would be the Trident Maple (*Acer buergerianum*) as they are a native, hardy species that



can thrive in an urban environment and because of the narrow space in which the tree would be planted. This would have the added impact of reducing impervious coverage by approximately 200 sf., or 8%.

- 3.4. **Proposed Interior Modifications.** The plan proposes modifications to the basement. An existing recreation area is being converted to a studio apartment with access to Avenue E from a proposed masonry staircase. The site will also have access to the first floor from a hallway and staircase leading upstairs within the building. As indicated in the image included to the right, the studio will contain one room with living and kitchen space and will utilize an existing bathroom. The space has two windows and access to the concrete court yard. **The applicant should testify as to whether this bathroom already is, or will be converted to, a full bathroom as this will be required for the dwelling.**



4. Miscellaneous

- 4.1. **Waste Disposal.** The plans indicate six trash cans are located in the rear of the site. **The applicant should provide testimony regarding trash storage and disposal, and whether what is existing is sufficient for five units.**
- 4.2. **Affordable Housing Fees for Residential Development.** The applicant should, as a condition of approval, be required to pay any residential affordable housing development fees required by the City ordinance.

5. Variance Comments

- 5.1. **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.
- 5.2. **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.
- 5.3. **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.
- 5.4. **Analysis of the Variance Requests.** The proposed unit further intensifies the existing lack of parking. However, this office notes that this neighborhood is transit rich, and the site is ±600 ft. from the 34th Street Light Rail Station, and in close proximity to bus lines on Broadway and Avenue C to the west. Furthermore, this is a walkable neighborhood, with easy access to Broadway shopping and services. This office recommends the inclusion of designated bicycle storage for the existing and proposed units in the storage area in the rear of the basement as an alternative to automobile parking.
- 5.4.1. Variances related to lot size and lot frontage are for preexisting conditions, however, the proposed unit exacerbates the minimum gross habitable floor area of 1,000 sf. per unit. Generally, such a floor area would translate into an average apartment of 2.5 bedrooms.
- 5.4.2. The minimum front yard setback is existing; however, the proposed staircase in the right-of-way requires approval from the Municipal Council.
- 5.4.3. The existing maximum coverage is 100%. Pervious coverage creates stormwater issues and contributes to heat island effect. As a means of mitigating these negative impacts, and as a counterweight to the other required variances, this office recommends that parts of the impervious concrete patio in the rear be converted to greenspace and a tree be planted in the rear yard (more information on these suggestions is located in 3.3.1).
- 5.4.4. The potential need for a variance for an accessory structure in the rear yard relates to what appears to be a structure indicated on recent aerial imagery in the back yard. If the structure is permanent, testimony should be provided to the Board regarding what it is, its dimensions, and its setbacks. Furthermore, it should be indicated whether a permit was received for the structure. If the structure in the aerial imagery is temporary, the applicant should testify to that as well.



6. Materials Reviewed

The following materials were reviewed in the preparation of this report:

- Application No. P-24-011, dated March 28, 2024, with attachments.
- Zoning Officer Referral Letter, dated March 5, 2024.
- Statement of Applicant, undated.
- Notice to Homeowners, prepared by Paul N. Weeks, Esq.
- Property Deed, dated January 29, 2021.
- *Survey of Property 585 Avenue E, Bayonne, Hudson County, NJ*, 1 sheet, P.L. Caulfield, Jr., PLS, Caulfield Associates, LLP, dated September 9, 2024.
- *Plan for New Dwelling Unit 585 Avenue E*, 1 sheet, Stephen M. Kawalek, RA, PP, Kawalek + Kawalek Architects, dated August 3, 2023.

7. Applicant and Its Professionals

- **Applicant/Owner:** Quattro Amici, LLC, 1083 Avenue C, Bayonne, NJ 07002. Tel: 201.339.0924. Email: firm@rmwlawfirm.com.
- **Attorney:** Paul N. Weeks, Esq., 1083 Avenue C, Bayonne, NJ 07002. Tel: 201.339.0924. Email: firm@rmwlawfirm.com.
- **Architect/Planner:** Stephen M. Kawalek, RA, PP 764 Avenue C, Bayonne, NJ 07002. Tel: 551-208-9167. Email: steve.kawalek@gmail.com

8. List of Necessary Relief

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

8.1. Variances:

- §35-5.13.b – Parking requirement.
- §35-5.14.e.1(e) Minimum Lot Size – Apartment House
- §35-5.14.e.2(e) Minimum Lot Frontage – Apartment House
- §35-5.14.e.4(e) Minimum Gross Habitable Floor Area
- §35-5.14.e.3(e) Minimum Front Yard Setback – Apartment House
- §35-5.14.e.8(b) Maximum Lot Coverage – Apartment House
- §35-5.14.e.4(b) Minimum rear yard setback – accessory structure.

9. Potential Conditions of Approval:

- Include all floor area of the building on the plan.
- Reducing lot coverage or adding additional greenspace and plantings in the rear yard.
- Include designated bicycle parking spaces in the basement storage area for each unit.
- Plant a tree in the rear yard (this office recommends the Trident Maple).



- Provide any required affordable housing development fee.
- Municipal Council approval for proposed staircase in right-of-way.

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

Cc. Alicia Losonczy, Land use Administrator, for distribution
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

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