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MEMO TO: City of Bayonne Zoning Board

FROM: Malvika Apte, PP/AICP  
Consulting City Planner 

DATE: June 14, 2021

RE: **Décor by Liz**  
**Use Variance and Major Site Plan**  
**Planning Report # 1**  
**Block 197 Lot 4.01**  
**512-514 Broadway**  
**Bayonne, New Jersey**  
**Our File: PBYZ0197.04**  
**Application # Z-21-006**

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) sheets titled "Change of Use", prepared by Kawalek and Kawalek Architects, LLC, dated April 5, 2021

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

**1. Summary of Application:**

The application is seeking a use variance and site plan approval to locate an event planning space on the first floor of the subject site. The subject site identified as Block 197 Lot 4.01 is located at 512-514 Broadway and is currently developed as a 4 story mixed use building. The building contains first floor retail space ( currently vacant), second story two office suites, and the third and fourth story are occupied by a total of eight (8) residential units, four (4) per floor. All are two bedroom units.

**The applicant is seeking a use variance to utilize the first floor of the building as an event space. The use is to contain 4,482 square feet of event space, a storage area, an office space, four (4) restroom spaces and 815 square feet of workshop area. The entrance to the space is from Broadway. There are two rear entrances to the site from Church Lane, that**



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**lead to the staircase providing access to the upper story. The rear façade of the structure contains three overhead doors to the first floor.**

**The entire building occupies the through lot, no parking is located on site. Surrounding the site are two story mixed use structures with commercial on first floor and residential above. This is one of the only four story building on this street. Opposite the site is the newly constructed three story Jersey City Medical Center.**



Subject site view from Broadway  
Source: Google maps 2018



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## 2. Zoning and Bulk Variances:

(a) **Use:** The subject property is located in the CBD- Central Business District, wherein an event planning space is not specifically permitted. A use variance commonly known **as d (1) variance is required**. The Applicant must seek “Special Reasons” Use Variance pursuant to NJSA 40:55D-70d. Per the State Supreme Court’s decision in the case of *Medici v. BPR Co.*, the Applicant must be prepared to provide testimony demonstrating that there are special reasons to permit the nonconforming use and that the site in question is particularly suited to the use. In the case of *Price v. Himeji, LLC*, the Supreme Court of New Jersey, the Court held that a Zoning Board should not determine that a property is particularly suited to the use simply because it is the most suitable site in the municipality for the use. The use should be appropriate and especially beneficial based on the unique conditions of the site and its surrounding area. The Applicant shall provide testimony demonstrating the following:

### Positive Criteria

- i) There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D(2)), and should promote the purposes of the municipality’s Master Plan and the State Development and Redevelopment Plan.

### Negative Criteria

- ii) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
- iii) That the variance can be granted without substantially impairing the Master Plan, Zone Plan or Zoning Ordinance.

Additionally, the applicant for a use variance is obligated to address the planning issues raised in the New Jersey Supreme Court case *Medici V. BPR. Co.*, 1071 NJ (1987). In accordance with the guideline set forth in *Medici*, an applicant for a use variance must demonstrate that special reasons are satisfied by either showing that the proposed use is one which “inherently serves the public good” or that the proposed use promotes the general welfare because the proposed site is particularly suitable for that use. The *Medici* decision provides that in



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conjunction with the demonstration of the negative criteria, an enhanced quality of proof must be demonstrated to indicate that the grant of the requested use variance is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance.

**Applicant in their narrative statement has noted that the first floor of the site shall be used as an event planning space to hold events such as birthdays, wedding receptions, baby shows, corporate events, holiday events etc. The overall capacity is proposed to be 120 patrons. Applicant should clarify if this includes the number of employees on site, permanent and temporary during events. We defer to fire department to determine the safe capacity for number of people in this space.**

**Additionally details such as typical frequency of such events per week, the timings of such events, food/ catering for such events, and other such details must be provided. Applicant should provide by way of example the operations that would typically occur when such an event is planned, such as number of employees/ delivery/ timing, valet requirement and other such details.**

(b) **Bulk regulations:** The following is noted:

<b>Bulk and Yard Standards: CBD Central Business District</b>		
	<b>Requirements</b>	<b>Existing/Proposed</b>
<b>Minimum Lot Area (sq. ft.)</b>	3,000	6,914
<b>Minimum Lot Frontage (ft.)</b>	30	56.34
<b>Minimum Lot Width (ft.)</b>	30	56.34
<b>Minimum Front Yard Setback (ft.)</b>	0	0
<b>Minimum Rear Yard Setback (ft.)</b>	20	<b>0 (e)</b>
<b>Minimum Side Yard Setback (ft.) (one/both)</b>	0 or prevailing	0
<b>Maximum lot coverage</b>	70	<b>100 (e)</b>
<b>Maximum Height (ft./ sty)</b>	5/55	4/47
<b>Max. FAR</b>	2.5	TBD

(e) Pre-existing non-conformity



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(i) Floor Area Ratio: The Floor Area Ratio for the existing building should be provided to determine compliance.

**3. Review:**

(a) **Parking:**

Type of Use	Requirement	Required Number	Proposed
Social Club, Lodge or Fraternal Organization	1 space/150 square feet	30	<b>0</b>
Office Use	1 space/ 400 square feet	15	
Residential Units ( Two Bedroom)	1.25/ unit = 8 x 1.25	10	
Total		55	<b>0 (V)</b>

**(V) Variance**

- (i) City's Ordinance §35-17.6, does not specifically provide requirement for event spaces however the corresponding requirements we noted are for social clubs. Applicant should clarify the ratio used on the Zoning Data table of 2 per 200 square feet. Detailed testimony on basis of this standard should be provided. It is also noted that in the Statement by applicant 50-60 vehicles are anticipated on site. It is important to understand the vehicular demands of this use.
  - (ii) It is noted that there are four (4) parking lots surrounding the area, three (3) surface municipal lots and one (1) parking garage on Del Monte Dr. Applicant has stated this is sufficient to address the parking need of the proposed event space. Applicant should discuss if some discussion with City has occurred to use these spaces. Would the proposal include Valet service from the site to these parking areas, this should be clarified.
- (b) **Refuse:** The Applicant should provide testimony regarding the garbage and trash recycling operations of the building and where the refuse is to be stored for the week and who will be responsible for bringing it to the front. Further, refuse operations for the proposed event space should also be provided



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- (c) **Overhead Garage Door-** Applicant should discuss the existing three overhead garage doors to the rear. It is not clear if they are to remain or to stay. This should be discussed in detail.
- (d) **Utilities:** Applicant should discuss the existing utilities on site. Is the event space centrally conditioned? Does it need to be updated for the number of occupants proposed to be on site.
- (e) **Signage:** The proposal includes one wall sign of 15.75 ft. x 2.75 ft., of approximately 43.31 square feet. Per 35-5.23 wall signs not exceeding 3 square feet for each linear foot of sign frontage, therefore the permitted 45 square feet for 15 feet sign frontage. The proposed sign complies. **Details on color should be provided, to determine compliance.** The proposed sign is internally illuminated with channel letters. Applicant should confirm the intensity of illumination will not cause glare on vehicular or pedestrian circulation.

Further, per the SID- guidelines, size of the sign cannot exceed one (1) square foot for every linear foot of store frontage. The proposed store front is approximately 44 feet, and the proposed 43.31 square feet sign compliance. **The height dimension does not meet, where permitted is 2.5 feet and proposed is 2.75 feet. Applicant should provide details on material, color and illumination of the sign. Internally illuminated signs except back lit and synthetic materials including aluminum and vinyl siding signs are not permitted. A waiver from the guidelines is noted.**

- (f) **Street Trees:** Per §33-10.17 c, street trees shall be approximately 40 feet apart. The site has two existing trees. This complies.
- (g) The applicant should be prepared to discuss whether any additional permits/approval are required by outside agencies.

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

cc: Board Secretary  
Board Attorney  
City Engineer  
City Planner