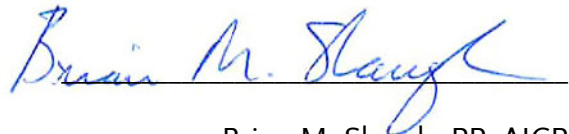


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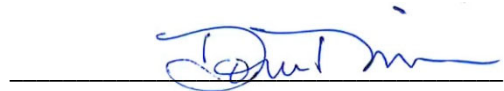
317 Broadway Bayonne, LLC Preliminary and Final Major Site Plan Application P-25-015 8th Street Station Rehabilitation Plan

317 Broadway
Block 252, Lot 17

Prepared for the City of Bayonne by:



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INTRODUCTION

1. Project Summary and Site Description

1.1. **Proposal Details.** The applicant requests preliminary and final major site plan approval with bulk variances to construct a new, five-story mixed-use building containing two ground floor commercial spaces and eight, two-bedroom apartments. The applicant indicates that all of the residential units will be family affordable units developed under the Hudson County Home Investment Partnership Program. A basement level containing laundry, refuse and storage space for both the commercial and residential tenants is also proposed. The ground floor commercial space consists of an approximately 850 sf. retail storefront and an 838 sf. office space in the rear of the building. These are separated by a common hallway, stairs and elevator to the residential units on the upper floors. The residential units are laid out on each floor with one unit in the front half of the building with bedrooms facing the street and one unit in the rear half of the building with bedrooms facing the rear yard. A common hallway with elevator and stair lobby and trash chute access are located in the center of the floor. The front of the building is set at the street line, with the ground floor recessed about four feet to allow for the doors to the commercial and residential uses to open without obstructing the sidewalk and to accommodate a small mail alcove. The upper floors extend out over this recess but do not encroach into the right-of-way. The building occupies 81% of the lot offering no side yard setbacks, but provides a 20 feet rear yard setback. The plans note the potential for access to the rear yard from the basement level.

1.2. **Existing Conditions.** The subject property is a 2,712.5 sf. parcel located on the west side of Broadway, between W. 14th and W. 15th Streets. The property contains a one story commercial building, erroneously identified as a dwelling on the property survey. The existing building covers nearly half the lot, with a shed and patio in the rear yard. There appears to be a small access to the basement in the sidewalk on the north end of the property. The curb and sidewalk in front of the property are in disrepair.

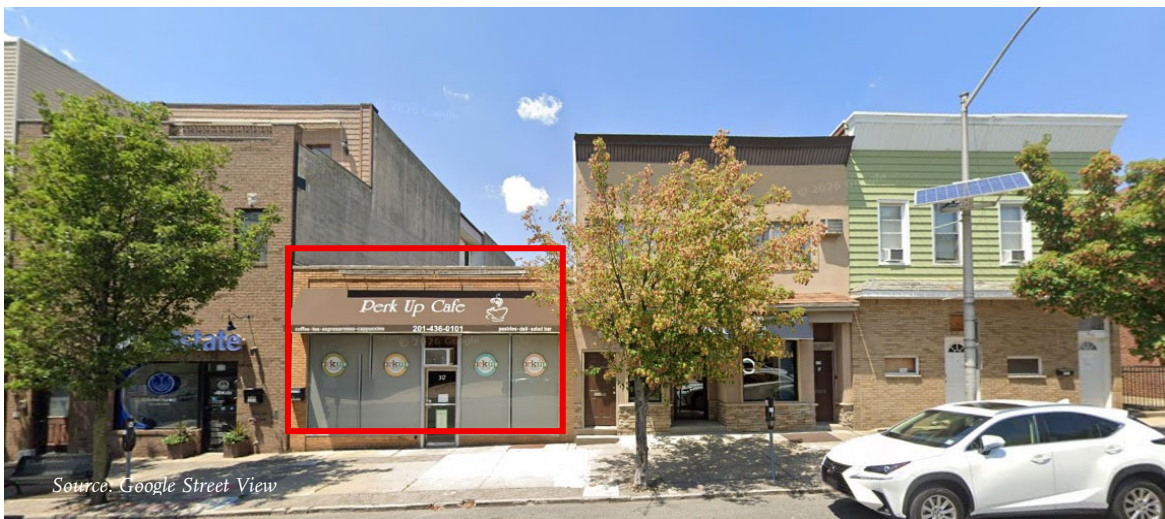


Figure 1. Existing Building Outlined in Red



Figure 2. Recent Aerial view of the Subject Property

- 1.3. **Neighborhood Context.** The property is in the ORS District of the 8th Street Station Redevelopment Area. The properties along this block front consist of similar mixed-use buildings with commercial space on the ground floor and apartments above. At the corner of W. 15th Street is the Church of Latter Day Saints. Across Broadway to the east is mix of commercial, residential and mixed-use buildings, with a row of two-and-a-half story, two-family residential dwellings from the early 20th century located mid-block.

REHABILITATION AREA STANDARDS

2. Use Standards

2.1. **Permitted Principal Use.** The Broadway Business District permits any combination of multi-family dwellings, retail sales and service, offices, restaurants and civic uses. The proposed building contains multi-family residential apartments on the upper floors of the building and retail and office space on the ground floor. **The plan complies.**

2.2. **Required Accessory Use - Parking.** The Broadway Business District Area zoning requires additional residential uses added after the adoption of the Plan to supply a minimum of one off-street parking space per residential dwelling unit. There are eight new dwelling units proposed and no off-street parking is provided. **A variance is required.**

3. Area, Yard & Structure Requirements

3.1. **Bulk Requirements.** Compliance with the area, yard, height and coverage requirements of the Redevelopment Plan are shown in Table 1, below. **Variances are required for minimum lot frontage and minimum side yard setback.**

| Table 1 Bulk Requirements | | | | |
|---|---------------------------------------|-----------------|--------------------|----------|
| Standard | Required | Existing | Proposed | Complies |
| Minimum Lot Frontage | 30 ft. | 25 ft. | 25 ft. | No |
| Minimum Side Yard Setback | 0 ft./10 ft. abutting residential use | 0 ft. | 0 ft. | No |
| Minimum Rear Yard Setback | 20 ft. | 58 ft. | 20 ft. | Yes |
| Maximum Lot Coverage | 90% | 46.5% | 81.5% | Yes |
| Maximum Structure Height (stories/feet) | 5 stories / 55 ft. | 1 story/20± ft. | 5 stories / 55 ft. | Yes |
| Maximum Floor Area Ratio | 4.5 | 0.46 | 4.03 | Yes |

- a. **Minimum Lot Frontage Variance.** The existing lot frontage is 25 feet where 30 feet is required. There is no land available on either side of the building to acquire and add to the lot. **A variance is required.**
- b. **Minimum Side Yard Setback Variance.** The Plan requires a 10 foot side yard setback where new development adjoins a residential use or zone. Both of the existing buildings which adjoin the sides of the property contain residential uses. The proposed building provides no side yard setback. **A variance is required.**

4. Lighting and Landscaping

- 4.1. **Street Trees.** Street trees are required for all development applications and should be planted 40 feet apart (§33-10-17.c.1). The existing lot only has 25 feet of frontage and there are existing street trees on either side of the property. **We recommend granting a design exception for this requirement.**
- 4.2. **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. **We recommend downward focused, non-glare, lighting, with a color temperature between 2,700° - 3,200°K be specified at the building entrances.**

5. Solid Waste Utilities and Mechanical Equipment

- 5.1. **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 trash chute with access on each residential floor that ends in a trash room in the basement level. There are no provisions for trash and recyclable storage for the commercial uses. **The applicant should provide testimony as to the size and location of waste and recyclable storage for the commercial uses and how residential waste will be managed.**
- 5.2. **Mechanical Equipment.** The plans do not indicate the location of HVAC equipment for the commercial, residential or common areas of the building. Additionally, none of the residential units have space set aside within the units for a furnace/air handler. **The**

applicant should clarify the location and size of HVAC and other mechanical equipment serving all uses in the building, and any exterior or roof mounted equipment should also include screening.

- 5.3. **Utilities.** The plans do not indicate the location of electric and gas meters for either the commercial, residential or common areas of the building. **As there is little façade area it is recommended that all meters be located in the basement level.**

DESIGN

6. BUILDING DESIGN

- 6.1. **Rehabilitation Plan Building Design Standards.** The 8th Street Station Rehabilitation Plan establishes building design standards for renovation of existing buildings and for new construction. The overriding goal of these standards is to continue the fundamental design characteristics of Broadway’s existing architecture so that new structures blend with the existing buildings on Broadway. Important elements of successful new construction are height, mass, scale, proportions, setbacks, materials, colors and overall façade organization.
- 6.2. **Architectural Context.** The existing buildings on this block of Broadway are varied in time period and design style. At the south corner with W. 14th Street is a three-story, mixed-use building with an older renovation that is in direct contravention to the Broadway Business District Design Guidelines and can be considered “non-contributing”. Similarly, the two buildings that are directly adjacent to the subject property to the north are two-stories, also with older renovations that are not consistent with the design guidelines. At the north end of the block is a two-story brick institutional building, which exemplifies a mid-60s garden apartment building. Across Broadway to the east, most of the buildings exhibit the architectural style preferred by the Rehabilitation Plan, including older renovations and new construction. Consequently, there is no common architectural era or style in the immediate vicinity to serve as a guide to the design of the building.
- 6.3. **Proposed Building Design.** The architectural plans do not provide details of the colors, materials and finishes of the proposed building. A “style inspiration” rendering is provided which depicts a contemporary building with square proportioned windows, black standing seam metal cladding, silver/gray accents and teak colored, wood grain horizontal cladding. The storefront framing, window trim and doors are black. Black trim like this is a design fad that will quickly be outdated. Furthermore, the wood grain cladding attached to clips is a relatively new product that has not yet stood the test of time. Thin brick may be a better choice for the front façade.
- 6.4. **Broadway Business District Design Standards.** The following is a list of relevant design standards which the proposed development **does not** comply with:
 - a. **Building Height and Mass.** The height and mass of infill buildings should be compatible with the average dominant building height of three stories up to a maximum of five stories. In a row of abutting buildings, any new structure should be wall-to-wall and fill the space defined by adjacent buildings. It should be similar in





Examples of Fundamental Design Characteristics of Existing Architecture

height to the adjoining buildings. The building mass should be broken into components that correspond to the scale and mass of existing buildings.

The proposed building is five stories. The next tallest buildings on the block are three stories and the immediately adjacent building to the north is only two stories.

- b. All new buildings on Broadway are to have vertically proportioned windows and glass areas on storefronts.

The building is designed with windows that have a square proportion.

- 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.

Additional information is required. Although not specifically detailed, most of the windows are visually flush with the opening.

- d. All new windows shall be inset in the masonry opening a minimum of three inches and shall be operable, except for storefront glazing.

Additional information is required. There appear to be a combination of fixed and operable windows but the plans do not fully specify which windows are fixed or operable. There is no specification in the plans of the depth the windows are inset; however, the elevations appear to show that the windows are flush-mounted.

- 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.

As mentioned, there is no existing pattern to emulate.

- f. Tinted glass of any type is prohibited. Clear films on glass may be used to reduce radiation, but awnings should be designed to protect the windows.

Additional information is required. The type of glass used is not specified. No awnings are proposed.

- g. A minimum of 70% 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. The bottom of any window or product display window used to satisfy the transparency standard may not be more than three feet above the adjacent sidewalk and must have a minimum height of four feet and be internally lighted.

The façade area between two and eight feet in height is approximately 146 sf. Requiring a window area of 102 sf. The proposed window area comprises less than 90 sf.

- h. Storefronts should have retractable awnings or, if cost-prohibitive, shed style awnings with an eight inch front valance and open sides. Awnings should project a minimum of three feet over sidewalks.

The commercial storefront and resident entrance do not have awnings of either type.

- i. Storefront bases and curbs should be honed stone (marble, granite or slate).

The commercial storefront has glass that extends to grade.

- j. 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.

Additional information is required. The commercial storefront and resident entrance are setback from the street line approximately four feet, however the exterior floor surface has not been specified.

- k. New storefronts should be of real brick and stone, tile, real stucco or painted wood or Hardiplank with real drop siding, trim and cornices. Synthetic materials including aluminum and vinyl siding, such as Dryvit or simulated masonry are prohibited.

Additional information is required. Although not specifically detailed, the proposed storefront appears to use black metal framing and metal siding.

- l. Materials to be used over at least 75% of the building façade above the ground floor (exclusive of the glass area required): Standard brick masonry and stone, e.g., brownstone, sandstone, limestone, and stucco.

Additional information is required. Although not specifically detailed, the proposed building façade above the ground floor is primarily metal panels.

- m. Materials to be limited to less than 25% of the building façade above the ground floor: Wood.



Architectural “Inspiration” (right) and Elevations of Front Façade (center) and Rear Façade (left)

Additional information is required. Although not specifically detailed, the proposed building façade above the ground floor appears to use a wood grain material that covers approximately 26% of the building façade.

- n. Traditional and durable colors like beige, terra cotta, brick red, dark green, black and various grays are natural or muted and work well with the brick and stone facades of existing historic buildings. Generally, one or two colors should be selected. The use of too many colors should be avoided. The base color is the predominant color applied to the walls and major surfaces. Accent color shall be used for trim, hardware, doors, etc.

Although not specifically detailed, the proposed building façade uses black as the predominant color, rather than traditional brick and stone colors

In summary, the proposed building design does not comport with the 8th Street Rehabilitation Plan’s design requirements. The applicant should provide testimony as to any design changes they would be willing to make to bring the building into or more into compliance with the redevelopment plan.

AFFORDABLE HOUSING REQUIREMENTS

- 7. **Affordable Housing Requirements.** This is a project utilizing the Hudson County Home Investment Partnership Program. Under the Program guidelines, “HOME funds may be used to develop and support affordable rental housing and homeownership units.” This project would fall under Hudson County’s Mixed-Income/Mixed Use Project category. The dwellings are required to be deed-restricted to low and moderate income households and uses the federal income limits for various U.S. Department of Housing and Urban Development

programs. Under New Jersey's Uniform Housing Affordable Controls rules (N.J.A.C. 5:80-26.1), the income limitations required to be applied to the project are accepted as meeting the standards for credit towards the City's affordable housing obligations. Any approval of the project should be conditioned on the imposition of appropriate deed restrictions on the units to ensure that they are only occupied by eligible households.

VARIANCES AND DESIGN EXCEPTIONS

8. CONSIDERATION OF THE VARIANCES AND DESIGN EXCEPTIONS

8.1. 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 (map and land use 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 Rehabilitation Area.

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.

- 8.2. **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

9. RELEVANT PLANNING POLICY

- 9.1. **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:

- *Encourage appropriate mixed use redevelopment along Broadway on a neighborhood scale adjacent to the 8th, 22nd, 34th, and 45th Street train stations.*
- *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).*

APPLICATION INFORMATION

10. APPLICANT / OWNER / PROFESSIONALS

- 10.1. **Applicant/Owner.** 317 Broadway Bayonne, LLC, 148 E. Fifth Street, Building 7A, Bayonne, NJ 07002.
- 10.2. **Attorney.** John Zucker, Esq., Rose & Zucker, LLC, Box 95, Bayonne, NJ 07002. Tel: 201-436-6161. Facsimile: 201-436-3355. Email: jzucker@rosezuckerlaw.com
- 10.3. **Architect.** Robert E. Zampolin, AIA, Zampolin and Associates Architects, 187 Fairview Avenue, Westwood, NJ 07675. Tel: 201-358-1166.
- 10.4. **Engineer.** William H. Hamilton, PE, Bowman Consulting Group, LLC, 6 Campus Drive, Suite 302, Parsippany, NJ 07054. Tel: 973-539-8400.

11. MATERIALS REVIEWED

- 11.1. *City of Bayonne Application for Development Form*, with attachments, dated April 16, 2025.
- 11.2. *Statement of Applicant*, undated.
- 11.3. *City of Bayonne Certificate of Completeness Review*, dated March 30, 2026.
- 11.4. *Property Deed*, dated June 29, 2022.
- 11.5. *Zoning Referral Letter*, prepared by Tracey Tuohy, dated April 3, 2025.
- 11.6. *Proposed Apartment Building*, prepared by Robert E. Zampolin, AIA, Zampolin and Associates Architects, dated July 31, 2025, and last revised June 17, 2025, consisting of three sheets.
- 11.7. *Preliminary and Final Site Plan*, prepared by William H. Hamilton, PE, Bowman Consulting Group, LLC, dated June 17, 2025 and last revised January 21, 2026, consisting of one sheet.
- 11.8. *Topographic Survey of Property*, prepared by Marc J. Cifone, PLS, Lakeland Surveying, dated January 26, 2022, consisting of one sheet.



12. RELIEF REQUIRED

12.1. Variances:

- §35-5.3.e Minimum Lot Frontage
- §35-5.3.e Minimum Side Yard Setback (both sides)
- Broadway Business District f.1 Off-street Parking

Design Exceptions:

Incompatibility of the building design with the requirements of the 8th Street Rehabilitation [*sic*] Plan.

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.

13. CONDITIONS OF APPROVAL

- 13.1. Affordable Housing Fees for Residential Development.** Since this is a 100% affordable housing development, no fee is required for the development of the dwelling in the project. The non-residential portion will be subject to a 2.5% of the equalized assessed valuation of the two commercial units per State law.

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