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MEMO TO: City of Bayonne Zoning Board

FROM: Malvika Apte, PP/AICP
Consulting City Planner

DATE: September 9, 2021

RE: **Rafaat Ikladous**
Use Variance and Site Plan
Planning Report # 1(REVISED)
Block 369 Lot 24
53-55 Broadway
Bayonne, New Jersey
Our File: PBZ0369.02
Application # Z-20-013

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

- Application form and Statement.
- Letter from Zoning Officer to Applicant dated November 27, 2018
- Property Deed
- One (1) Sheet of site plan, prepared by Kawalek and Kawalek Architects, LLC dated January 9, 2018.

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

1. Summary of Application

The Applicant, Rafaat Ikladous, is seeking to add a two story addition to the existing two family unit. The property identified as Block 369 Lot 24, is located on Broadway and is in the R-2 Detached/attached Residential District.



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The subject site is a flag shaped through lot with two frontages, one of approximately 37 feet along Broadway and one of approximately 9.51 feet on West 2nd Street. It appears that West 2nd St. is used for vehicular entrance to the site. **Applicant should confirm the same.**

The existing dwelling is identified as a single-family residential unit, attached to the unit north of the site, located on Lot 25 of the City tax records. This was noted as a pre-existing non-confirming use since attached single family dwellings were not permitted in the R-2 zone.

In 2018, the applicant received a Zoning Board Approval to legitimize the existing one bedroom ground floor unit.

The applicant is now proposing a two-story addition to the south of the existing building. Per the plans, applicant is proposing to remove the kitchen facilities in the basement apartment and it appears proposing that level as an addition to the upstairs unit. The two story addition to the south will be second unit on the property.

2. Review:

- (a) **Use:** The subject site is to be an attached two family dwelling that is attached to adjacent lot. **Although applicant has been granted use variance for locating the two family attached dwelling on the property, due to configuration change this a use variance.**





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The previous approval was a use variance. Applicant has requested this as an expansion of non-conforming use, however it is to be noted, that for a use to seek expansion of a non-conforming use, it has to be identified as non-conforming use per the Municipal land use Law. If a use was allowed by d(1) variance it was never lawfully permitted use which was thereafter made non-conforming by adoption of an ordinance. The use is therefore not a pre-existing non-conforming use; it is prohibited use allowed by use variance. Applicant should clarify the type of variance sought.

- (b) **Existing Window/Proposed Reconfiguration:** Applicant should discuss if the existing window located along the southern portion of the basement plan, along the living room is to remain. Additionally there are several exterior doors to this floor. Applicant should discuss if these are to be removed in order to not create a third unit on the property. Applicant should testify what other design features are adopted to negate the creation of a third unit.
- (c) **Parking:** Per the application, applicant has indicated parking has been met. Per section 35-17.6,

Number of bedrooms	Number of spaces required	Required
Apartment- Four bedroom*	1.5 sp/dwelling unit	1.5
Apartment- three bedroom	1.5 sp/dwelling unit	1.5
	Total	3*

*Since Bayonne Land Use Ordinance does not provide requirement beyond 3 bedrooms; Per RSIS (Residential Site Improvement standards), four bedroom is required to provide 2.5 spaces. The total number of spaces required would be 4.

The site plan still does show the parking delineation. This is required. Further, applicant should clarify the impervious calculation of the lot. Per the site plan, it appears that driveway exists along the stem portion of the lot through west 2nd street. Applicant should discuss the condition of the driveway. Further, no delineated spaces are shown in the rear, applicant should discuss the general circulation of vehicles. Lastly, applicant should discuss the use of the garage and if it used for parking.

- (c) **Bulk Variance:** The following table notes the subject site's compliance/non-compliance with the zone district.



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Regulation	R-2 Zone	Existing/Proposed
Min. Lot Area	3,000 sq. ft.	4,684 sq. ft.
Min. Lot Frontage	30 ft.	9.51 ft. (e)
Min. Front Yard Setback	20 ft.	14 ft. (e) (existing) 21.53 ft. (proposed)
Min. Rear Yard Setback	20 ft.	37.66 ft.
Min. Side Yard setback (one/ both)	3 ft./ 6 ft.	0 ft. (e)/ 3 ft. (v)
Accessory structure		
Side yard	3 ft.	3 ft.
Rear Yard	3 ft.	4.9 ft.
Max. Building Ht. (ft.)		
Principal Structure (sty/ ft.)	2.5 sty/35 ft.	3 sty (e) / 35 ft. (existing) 2 sty/ 29.25 ft.
Accessory Structure (sty/ft.)	1.5 st/15 ft.	Not provided
Max. Lot Coverage (%)*	90%	81%

- (i) With the proposed addition, the subject site is creating a new variance for combined side yard setback. **A variance is required.**

- (ii) Impervious Coverage: The maximum permitted lot coverage per the revised amended ordinance (adopted October 2020) for the R-2 Zone is 70%. The application was filed in September 2020, when the maximum permitted requirement was 90%. With the proposed addition the lot shall have impervious coverage of 81%, prior to the addition, the coverage was 74% . 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.

- (d) **Façade:** The proposed addition façade is vinyl siding, the existing building is brick façade; Applicant should discuss the façade compatibility.



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- (e) **Refuse and Recycling:** Refuse and recycling of the units, its storage and other such details should be shown and discussed.
- (g) **Unit sizes:** The unit size for each apartment should be provided.
- (h) **Tree Removal:** Applicant should discuss the number of trees proposed to be removed. It appears one tree is to be removed along Broadway, applicant should discuss if another tree would have to be removed that is located on adjacent property along W 2nd Street driveway.

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