



MEMORANDUM

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To: City of Bayonne Zoning Board of Adjustment

From: Brian Slaugh, PP, AICP
James Clavelli, PP, AICP

Re: **161 Broadway, LLC, Application Z-23-004**
Use Variance, Major Site Plan and Bulk Variances
Block 330, Lot 12
161 Broadway
Broadway Business District of the 8th St. Station Rehabilitation Area Plan
C-1, Neighborhood Commercial District

Date: October 11, 2023

1. APPLICATION DESCRIPTION

- 1.1. Applicant's Proposal.** The applicant is proposing to renovate a mixed-use building on Broadway. The building consists of a ground floor retail use, one ground floor residential unit in the rear of the commercial unit, and two residential units on the second floor. The applicant proposes to add a third floor to the building. The commercial space in front consists of 787 sf. of convenience retail use. The apartment to the rear will become two-stories and occupy the rear existing second floor apartment. The existing second floor front apartment will remain and gain the entire third floor as additional space. Both units are two-bedroom units; it is not clear how many bedrooms are in the existing units. Three decks are proposed, two accessible by the third floor tenant, front and rear, and the last one as a second floor deck to the rear. façade renovations are proposed, as are a wall sign and a street tree. The building has basement storage, which may be used for the commercial enterprise. **As the applicant has not indicated whether the existing apartment is legally preexisting, this office is reviewing this application as a “-d(1)” use variance, rather than a “-d(2)” expansion of a nonconforming use variance.**

The lot is about 2,950 sf., or 25' x 117.99', averaged. The applicant has also purchased the property located on Block 330, Lot 8 (11 West 5th Street). Lot 8 is 37.5' x 130', or 4,875 sf. This property is adjacent to the subject property on the rear side. In correspondence, the applicant indicates a willingness to allow driveway access to the subject lot through this lot and to record an easement guaranteeing access in perpetuity. We note that this lot is in the Bergen

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Point/Centerville subzone which utilizes R-2 and R-3 standards. This is further discussed in 3.1, 3.2 and 3.3 of this report.

- 1.2. **Existing Site Conditions.** The property is an interior lot that is mostly rectilinear with a curved front lot line. The existing two-story building is about 31 feet tall. The rear yard contains a paver patio which covers ±75% of the ±586 sf. area yard. A second story wood deck is located on the rear of the building. The application indicates that the building is vacant. The front of the building contains a façade sign and storefront for “Optimo Cigars”, and had been used as a convenience store. Flat Bilco doors are located on the sidewalk in front of the building that lead to the basement. An old payphone station is located in front of the building. A second set of Bilco doors are located at the rear of the building.

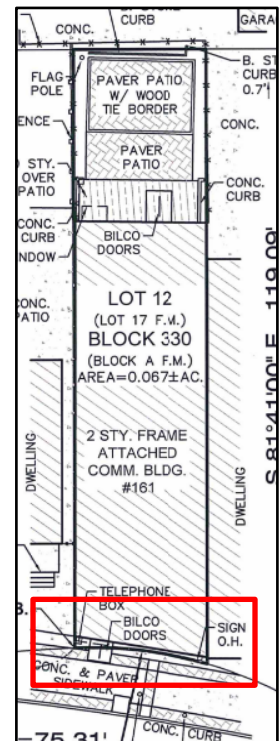


Image of Existing Storefront with Elements Protruding into Right-of-Way (left), and Applicant’s Survey with Protruding Elements Indicated in Red.

- 1.3. **Encroachments Into City Right-of-Way.** Several parts of the site appear to extend beyond the property line into the City right-of-way. The site plan and survey indicates that the building encompasses the width of the property, however, the front of the building appears to extend into the right-of-way. This area includes



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the sign, Bilco doors, phone box, roll-out gate, and portions of the storefront. It appears most of these elements, excepting the Bilco doors, will be removed.

- 1.4. Neighborhood Context.** The site is located within the Broadway Business District of the 8th St. Station Rehabilitation Area Plan. The building fronts on the western side of Broadway near the corner of Broadway and West 5th Street. Broadway between 5th and 6th Street is a lively neighborhood with a mix of uses, including Mona Lisa Pizzeria, Bake n' Brew Homestyle Bakery and Café, a corner deli and a thrift store, grocery store and other businesses. There are residences, primarily above the ground floor commercial uses, and at least one single-family dwelling.

The site borders Lot 13 to the north, Lot 11 to the south, and Lot 8 to the west, which borders the site's rear lot line. The neighboring properties to the south and west are residential uses, while the site to the north is a restaurant/pizzeria.



Nearby institutional uses include Henry E. Harris Elementary School one block to the west. The 8th Street Hudson Bergen Light Rail station is located about four



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blocks, or ±1,800 ft (about 1/3 of a mile), to the north west. NJ Transit Bus Route 81 has a stop on the corner of Broadway and W. 5th Street with stops in Bayonne and Jersey City and Route 120 with stops in Jersey City and downtown New York City.

1.5. Environmental Factors. The site is not in a flood zone, nor are there wetlands located within the vicinity of the site. The site is not contaminated nor are there any known contaminated sites in the vicinity of the property.

2. ZONING

2.1. Use Variance Required. The proposed use has a nonconforming aspect which requires a “-d(1)” use variance pursuant to N.J.S.A. 40:55-70(d)(1). Section §a.1 of the Broadway Business District Area Zoning Chapter of the 8th Street Rehabilitation RDP indicates that retail commercial, not to exceed 2,000 sf., is permitted on the ground floor of a building. The proposed retail portion of the site is on the ground floor and contains 787 sf., which complies. §a.13 indicates that dwellings above the street level floor, provided such dwellings have a minimum of 600 sf., are permitted. Due to a portion of one of the units being located on the ground floor, the plan does not comply. **A use variance is required.**

2.2. Required Accessory Use. Pursuant to §f.1, new residential units in this zone require one parking space per dwelling. No parking spaces are proposed at this time. The applicant has offered to permit parking on the lot abutting the site to the rear, which the applicant also owns. **A variance may be required. Additional information and an agreement regarding the nature and number of off-street parking stalls should be provided via testimony to the satisfaction of the Board.**

Table 1: R-2 Area, Yard and Structure Regulations ~ §e.1-8				
Standard	Required	Existing	Proposed	Complies?
Minimum area	No req.	2420 sf.	No change	Yes
Min. lot frontage	30 ft.	25.32 ft.	No change	No⁽¹⁾
Min. frontage setback	No req.	0 ft.	No change	Yes
Min. rear yard setback	20 ft.	27.2 ft.	No change	Yes
Min. side yard setback (north)	0 ft.	0 ft.	No change	Yes
Min. side yard setback (south)	10 ft.⁽²⁾	0 ft.	No change	No (V)⁽³⁾
Max. bldg. height (stories and ft.)	5/55 ft.	2/31 ft.	3/32 ft.	Yes
Max. Lot Coverage	90%	70%	No change	Yes
Max. Floor Area Ratio	4.5	2.1	2.5	Yes



- ⁽¹⁾ - *Preexisting Nonconformity.*
- ⁽²⁾ - *10 feet when adjacent to residential zone or property. Property on the south side is residential.*
- ⁽³⁾ - *Variance required.*

- 2.3. **Bulk Standards.** The Broadway Business District Area provides area, yard and structure requirements found in §e.1-8. Table 1 indicates the site's conformance with area and yard requirements.
- 2.4. **Preexisting Nonconformities.** The site contains nonconforming lot frontage. Pursuant to §e.2, the frontage requirement is 30 ft., while the lot contains 25.32 ft. **The Zoning Board of Adjustment in practice has considered such conditions as necessitating variance relief.**
- 2.5. **Minimum Side Yard Setback.** Pursuant to §e.5, a side yard setback of 10 feet is required when adjacent to a residential use or zone. The side abuts a residential use to the south. While the condition is existing, the increase in height (though it is a slight increase), constitutes an additional encroachment into the side yard setback. **A variance is required.**

3. SITE PLAN

- 3.1. **Parking.** The Broadway Business District Area requires one parking space per unit for new uses. No parking is proposed at this time. The applicant owns the property to the rear of the site and has offered to provide access and parking on that property, and if required, make it permanent it in a deed restriction. No proposal for the number of spaces, size of the spaces, or how access between the properties has been provided at this time. **This office recommends that rather than a deed restriction, the applicant propose a licensing agreement. Additionally, if the applicant pursues either option to provide parking, a plan indicating the location, number and size of spaces, and means of access, should be provided as a condition of any approval. As of now, a variance is required.**
- 3.2. **Licensing Agreement for Off-Site Parking.** This office recommends that the applicant pursue a licensing agreement to provide parking for the building tenants on Lot 8, rather than a deed restriction. **This office notes that Lot 8 is located in the Bergen Point/Centerville Community subzone, which utilizes the R-2 and R-3 standards. The use of that property for off-street parking is not permitted and would require a separate use variance.** The temporary nature of a



licensing agreement, compared with the permanent nature of the deed restriction, is preferable for the following reasons:

- The pace of development in Bayonne has accelerated in the last decade. If either property is the subject of further development the parking needs on the side may change. The deed restriction may prove a barrier to further development of either lot.
- While the need for personal vehicles is seen as a priority at this time, future conditions may change the demand for vehicles, particularly for renters. These include the cost of ownership of an automobile, availability of alternative transportation such as e-bikes, public transportation or otherwise, and, changing preferences for younger generations towards driving.

As such, this office recommends that the applicant pursue a licensing agreement for any off-site parking spaces for a span of 10 – 15 years.

3.3. **Off-Street Parking on Lot 7.** Page 30 of the Redevelopment Plan indicates that permitted principal and accessory uses, and all other standards, are the same as those in the R-2 and R-3 zones. In both zones, the “required accessory uses” include parking per §35-17:

- §35-17.2 states that all parking spaces required shall be located on the same lot with the building or use served.
- It would appear that the applicant would require a use variance for off-street parking spaces located on the adjacent lot. The Board should determine, if the application is looked upon favorably, whether a variance for the parking requirement is preferable, or if a use variance to permit off-street parking on an adjacent lot (with conditions) is more appropriate. Conditions may include that only occupants of the apartments located on Block 330, Lot 12 are permitted to park on the site with the appropriate license, as discussed herein.

3.4. **Rear Yard and Deck Spaces.** The rear yard contains a deck and patio. A roof deck is proposed for the rear of the building, presumably for the tenants of Apartment 1, and another roof deck is proposed in the front yard, presumably for tenants of Apartment 2. **The applicant should provide testimony as to who will have access to the deck(s) and rear yard patio, and, what impacts there will be to those amenities if rear access to Lot 8 is provided for automobile parking.**

3.5. **Waste Disposal.** The applicant indicates waste storage on the plan in the basement, though it is not clear if this is for all building tenants. The applicant should provide testimony as to waste storage and removal for all future tenants of



the building. This should include discussion of waste separation of trash and recycling as required by §33-10.13.a of the Ordinance.

- 3.6. **Street Tree.** A street tree is proposed in front of the building. No tree species, nor tree planting details, have been indicated on the plan. The applicant should update the plan to include a tree planting detail. This office recommends that the applicant propose a hardy, drought tolerant, native or native-adapted tree species. Shademaster Honey Locust is the species recommended by this office due to it having less dense branches and smaller leaves which result in less leaf litter, reducing the possibility of clogging storm drains. This tree also exhibits the general qualities recommended herein.
- 3.7. **Lighting.** No lighting is proposed for the site. The applicant should provide testimony as to whether any lighting is anticipated, and if so, the impact of such lighting should be provided as a condition of any approval. If lighting is anticipated, it should conform to the standards found in §33-10.10 and §35-5.25.f.
- 3.8. **Signs.** Signs in the Broadway Business district Area are required to conform with the dimensional requirements of §35-25. The applicant is proposing one address sign and one façade sign (this section will deal with dimensional and quantity requirements, while conformance with the design standards of the Redevelopment Plan are located in the next section).
 - **Address Signs.** Address signs are permitted in all zones as long as they do not exceed eight inches by 12 inches, or 8 sf. The proposed address sign is < 1 sf., the plan complies.
 - **Wall Signs.** Pursuant to §35-25.4.c.1, wall not exceeding three square feet for each linear foot of sign frontage, as defined by this chapter (defined as *the length along each occupiable floor of a building front*). The sign frontage is ± 25ft., allowing for 75 sf. of sign area. The proposed wall sign area is 15.91 sf., the plan complies.

4. BUILDING DESIGN AND DESIGN STANDARDS

- 4.1. Interior Design of the Building. The proposed interior of the building is composed of three floors and a basement.
 - **The Basement.** The basement consists of concrete slab on grade, with space reserved for trash and utilities. Much of the basement appears to be empty space with no indicated use. The basement can be accessed through a staircase in the retail portion of the building, as well as from the Bilco doors in the front and rear of the building. The applicant should testify as to the



anticipated use of the basement, and whether tenants of the retail use and residential uses will make use of the basement. **This office recommends that the applicant provide bicycle storage in the basement for the residential units.**

- **First Floor.** The proposed first floor consists of more than 700 sf. of retail space in the front of the building, which can be accessed through a main entrance on Broadway. There is a second entrance on Broadway, to be utilized by future tenants of the apartments, which leads to a stairway leading to a shared vestibule. The rear of the first floor contains the ground floor of Apartment 1, within which are two bedrooms, a closet, a full bathroom and a stairway leading to the second floor of the apartment. Residents will go up the stairs in the front of the building which will lead to a vestibule with access to Apartments 1 and 2.
 - **Second Floor.** The proposed second floor contains the second floor of Apartment 1 and the first floor of Apartment 2. The two units are connected by a vestibule at the top of the entryway stairs. The rear portion, belonging to Apartment 1, consists of a full bathroom, closet, and open concept kitchen/living room area with access to a rear roof deck. The front half of the second floor contains a similar space for Apartment 2, though slightly larger. There is also a stairway within Apartment 2 leading to the third floor.
 - **Third Floor.** The third floor of the building contains two bedrooms separated by the stairway. The bedroom facing Broadway contains an ensuite bathroom and closet, as well as access to a deck on the portion of the building facing Broadway. The bedroom facing the rear yard contains a closet and access to a rear deck facing the rear yard. The third floor does not encompass the entirety of the building foot print, only the middle ±60%.
- 4.2. **Proposed Building Façade.** The proposed building façade (as indicated in the image below) consists of brick, proposed to be painted black, and glazing in the form of storefront windows, a glass door, and five rectilinear windows on the second floor of the building. The upper portion of the façade contains a decorative cornice and parapet, which surrounds the front deck area such that it is not visible from Broadway. The shop windows are tall, approximately the height of the ground floor, separated by black slats. There is a cornice above the ground floor, within which is the proposed sign. The building evokes Bayonne's traditional commercial architecture, while providing modern finished in the form of the coloring and minimalist sign.



4.3. **Conformance with 8th Street Redevelopment Plan Design Standards.** Appendix II of the 8th Street Redevelopment Plan contains design standards for buildings storefront and facade guidelines for the Broadway Business District Corridor:

- All new buildings on Broadway are to have vertically proportioned windows and glass areas on storefronts. The plan complies.
- New buildings should incorporate cornices with compound profiles and brackets or other shadow-casting elements. This is a renovated building, however, this office notes that the cornices are being maintained and incorporated into the new design.



- 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. The commercial windows on the ground floor contain trim. The plan complies.
- All new windows shall be inset in the masonry opening a minimum of three inches (3”) and shall be operable, except for storefront glazing. The building contains three windows, though after renovation, there will be five new windows above the ground floor, replacing the three existing windows. The windows on the second floor of the building frontage do not appear to be inset, nor is it indicated whether they are operable. The applicant should



provide testimony as to whether they are inset and/or operable. **A design exception may be required.**

- 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. The majority of buildings along Broadway between Dodge Street and 5th Street consist of similar rectangular windows in similar rows as those proposed by the applicant. There are some exceptions to this, however, they tend to differentiate from each other as much as from the predominant fenestration on the block. The plan complies.
- Glazing shall represent at least 40 percent of the total façade area of upper floors. The area of the façade above the first floor is ±467 sf. Of that, approximately 110 sf., or 24%, is glazed. **A design exception is required.**
- A minimum of 70 percent 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 portion of the ground level façade between two feet and eight feet consists primarily of shop windows. Additionally, the entrance to the residential portion of the building mostly glazed. The plan complies.
- Product display windows used to satisfy these requirements must have a minimum height of four (4) feet and be internally lighted. The windows are 10 feet in height. There is no lighting on the outside of the commercial façade, which would indicate that any lighting comes from inside the building. The plan complies.
- Real or apparent columns of wood or steel should be used to divide sections of storefronts in order to create the previously mentioned vertical proportions. Given the 25-foot width of the façade, the use of columns may be less desirable given they would reduce the amount of glass that creates transparency and visual interest. Thin, black paneling between the glass window panes divides sections of the façade in a manner that is intended by the columns but may be less feasible given the narrowness of the building/lot. The design appears to meet the spirit of the requirement.
- Storefronts should have retractable awnings or, if cost-prohibitive, shed style awnings with an eight inch (8") front valance and open sides. Awnings should project a minimum of three (3) feet over sidewalks. No awning, retractable or otherwise, is proposed. **A design exception is required.**



- Inlaid stone or tile areas cut into sidewalk at store entries should be encouraged (as long as they meet municipal building code requirements for friction and load). 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. The door does swing outward. The existing sidewalk contains an inlaid brick patten, which is not proposed to change. The store entry is not recessed. While the plan does not fully comply, as the language of the guidelines indicate that this is “encouraged”, no relief is required.
- Materials to be used over at least 75 percent 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. ±793 sf. of the façade above the ground floor is composed of brick and glazing. The plan complies.
- Materials to be limited to less than 25 percent of the building façade above the ground floor: Wood. No wood is proposed on the façade above the ground floor, the plan complies.
- Extensive use of clear glass on the ground floor is encouraged. The plan complies.
- Color selections should be made as follows: 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. Bright, garish colors are to be avoided. Generally, one or two colors should be selected. The base color is the predominant color applied to the walls and major surfaces. Accent color is used for trim, hardware, doors, etc. The use of too many colors should be avoided. The colors on the façade consist of black. The façade is black with glazing. The plan complies.

5. RIGHT-OF-WAY ENCROACHMENT

- 5.I.** As indicated in Comment 1.3 of this report, elements of the façade protrude into the right-of-way. Most of these elements, excepting the Bilco doors, appear slated for removal. The applicant should testify as to whether any of the façade element will protrude into the right-of-way and include an exhibit during testimony clearly indicating this one way or the other. It is noted that some elements of the Broadway Business District design standards encourage such protrusions, though a licensing agreement should be brought before Municipal Council such that any



use of the right-of-way is done legally. If such protrusions enhance the aesthetics of the building in a manner consistent with the design standards, it is recommended that the applicant seek the appropriate approvals to permit same.

6. CONSIDERATION OF THE “-D(1)” VARIANCE

6.1. Consideration of the Use Variance. The “-d(1)” designation is related to its codification in the NJ Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70.d(1). The applicant bears the burden of proof in the justification of the variances.

6.2. Consideration of the Positive Criteria. To satisfy the criteria of a use variance, known as -d(1) variance relief, the applicant may demonstrate there are sufficient “special reasons” for the grant of a -d(1) variance under two broad circumstances:

- When the refusal to allow the project would impose on the applicant an undue hardship, and/or;
- When the requested relief advances a purpose of zoning as articulated in N.J.S.A. 40:55D-2 because the property is particularly well-suited to such a use.

6.3. 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 (master plan). These factors are referred to as the negative criteria.

In *Medici v. BPR Co.*, the Court explained the substantial detriment phrase as follows:

“the first prong of the negative criteria [requires] that the variance can be granted “without substantial detriment to the public good.” In this respect the statutory focus is on the variance’s effect on the surrounding properties. The board of adjustment must evaluate the impact of the proposed use variance upon the adjacent properties and determine whether or not it will cause such damage to the character of the neighborhood as to constitute “substantial detriment to the public good.”

In *Medici v. BPR Co.*, articulated two aspects of a Board’s required findings in determining whether a proposal satisfies the criterion “without substantial impairment to the intent and purpose of the zoning ordinance and zone plan”, requiring that:



“in addition to proof of special reason, an enhanced quality of proof and clear and specific findings by the board of adjustment that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance. The applicants’ proofs and the boards’ findings [in this regard] must reconcile the proposed use variance with the zoning ordinance’s omission of the use from those permitted in the zoning district.” (Emphasis added)

Relevant policy language from the Master Plan is included in Comment 7.5 that may be helpful in consideration of the use variance. However, it should not be taken as encompassing all relevant land use policies.

7. USE VARIANCE COMMENTS

- 7.1. The Plan, Generally.** The site is located in the Broadway Business District of the 8th St. Station Rehabilitation Area Plan. This portion of the City is zoned for mixed-use buildings, though the plan specifies that residential uses be above the ground floor. The intent of the Plan is to provide for a lively, convivial atmosphere at the street level on Broadway, with storefronts and other nonresidential uses creating activity at the street level.

While the proposed configuration of the mixed-use building does not comply with the permitted uses, the arrangement of the ground floor does maintain a storefront and retail use. The design of the building also meets the spirit of the design standards in the subdistrict, and the proposed building façade is an attractive mix of modern minimalist style and traditional design found in the area.

The applicant may wish to testify as to the anticipated retail use on the ground floor if such information is available.

8. CONSIDERATION OF THE “C” VARIANCES

- 8.1. 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.
- 8.2. 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.

8.3. 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.

9. DESIGN EXCEPTIONS

9.1. The proposal includes design exceptions. The criteria for the granting of exceptions is based on the following provision in the MLUL:

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. (N.J.S.A. 40:55D-51).



10. APPLICANT AND THEIR PROFESSIONALS

- Applicant. 161 Broadway, LLC, 165 Broadway, Bayonne, NJ 07002. Tel: 201.858.1812.
- Owner. Christopher Cocchi, 165 Broadway, Bayonne, NJ 07002. Tel: 201.858.1812.
- Attorney. Christopher Vitale, Esq., 27 West 8th Street, Bayonne, NJ 07002. Tel: 201.437.5436. Email: cv@ohalloranesq.com.
- Architect. Victor Malerba, RA, Malerba Architects, 1032 76th Street, Brooklyn, NY, NJ 11228. Tel: 917.859.2652.

11. MATERIALS REVIEWED

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

- Application, dated March 21, 2023.
- Cover Letter, prepared by Christopher Vitale, Esq, dated August 11, 2023.
- *Narrative Statement of Applicant*, undated.
- *Zoning Officer's Denial Letter*, dated November 4, 2022.
- Copy of Property Deed.
- Site photos, provided by the applicant.
- *161 Broadway Site and Architectural Plans*, 6 sheets, prepared by Victor Malerba, RA, Malerba Architects., dated December 16, 2022.

12. 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.

12.1. Variances:

- §a.1 Use variance for ground floor residence
- §35-17.2 Use variance for off-site parking on Lot 8
- §e.2 Minimum lot frontage*
- §e.5 Minimum side yard setback
- §f.1 Parking requirement



12.2. Design Exception:

- §1.3.a - Inset windows
- §1.3.c - Window glazing percentage on upper floors
- §1.6 - Required awning

12.3. Conditions of Approval:

- Evidence of permission to encroach into right-of-way, or reception of such approval if not granted previously.
- Inclusion of planting details and specifying Shade Master Honeylocust or similar species.
- If off-site parking is proposed, a deed restriction, or preferably, licensing agreement indicating such an arrangement, and parking space details including quantity, location and size.

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

Cc. Alicia Losonczy, Land use Administrator
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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