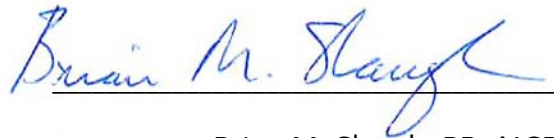


Review 1


John & Maryan, LLC
Preliminary and Final Major Site Plan
Application P-24-036
455-461 Avenue C Redevelopment Area

455-461 Avenue C
Block 219, Lot 24.01

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INTRODUCTION

1.0 Project Summary and Site Description

- 1.1. **Proposal.** The applicant is requesting preliminary and final major site plan approval to construct a six-story, multi-family, mixed-use building containing 63 dwelling units, 1,400 sf. of retail space, a ground floor parking garage with 71 parking spaces including indoor bicycle parking, amenity space, indoor waste storage and utility space. The property is located in the 455-461 Avenue C Redevelopment Area and the underlying R-2 Detached/Attached Residential District and C-1 Neighborhood Commercial District.



- 1.2. **Existing Conditions.** The site (Block 219, Lot 24.01) is a rectangular, corner, property with an area of 17,498 square feet, having 102.67 feet of frontage on Avenue C and 185 feet of frontage on W. 20th Street. The site has been cleared of previous improvements and is undergoing remediation for soil contamination. The property was designated an Area in Need of Redevelopment by *Resolution No. 22-01-19-058* on July 13, 2021.
- 1.3. **Neighborhood Context.** The site is located at the northwest corner of Avenue C and W. 20th Street. Neighboring uses are a mix of multi-family and mixed-use buildings, as well as a 7-11 and car wash on W. 20th Street. Single- and two-family dwellings adjoin to the south. Street improvements adjoining the property are generally in poor repair and there are no street trees along the site's frontages.

REDEVELOPMENT PLAN STANDARDS

2.0 Use Standards

- 2.1. **Permitted Principal Use.** Pursuant to §5.4.A.1.a multifamily residential dwellings are permitted above the ground floor within the Redevelopment Area. §5.4.A.2 permits a variety of commercial uses, including retail (§5.4.A.2.p) on the ground floor. The proposed building contains multifamily residential dwellings on the upper floors and retail space on the ground floor. The plan complies.
- 2.2. **Permitted Accessory Use.** Pursuant to §5.5.A, off-street parking, utilities, mail and package rooms, residential amenity space and green roofs are permitted within the Redevelopment Area. The proposed building contains off-street parking facilities, mail and package rooms, maintenance and utility space and a green roof. The plan complies.

3.0 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, following page.
- 3.2. **Minimum Rear Yard Setback Variances.** Figure 6 of the Redevelopment Plan illustrates the required setback areas affecting the property, supplemented by §5.7.A.3, which describes the extent of the required setbacks. For the rear yard, a setback of 10 feet is required from the rear lot line parallel to Lot 30 for the ground floor of the building where it is used for internal parking enclosed within the building. Otherwise the setback shall average 15 ft., though shall not be closer to Lot 30 than 12 ft. All floors above the ground floor, regardless of use, requires a setback that averages 15 ft., which shall not be closer to Lot 30 than 12 ft. Our review of the setbacks indicates the following:
 - The ground floor of the building contains parking enclosed within the building. The site plan does not provide a dimension for this setback. The entire length of this building wall scales approximately 12 feet from the rear property line adjoining Lot 30. The site plan should be revised to provide an accurate dimensioning of the setback to ensure compliance with the Redevelopment Plan.



- The second floor contains two areas that are set approximately 12 feet from the rear lot line adjoining Lot 30. The first lies within the area depicted in Figure 6 as requiring a 15-foot setback (northeast corner of the lot) and the second lies within the area depicted in Figure 6 as requiring a 25-foot setback (northwest corner of the lot) and is occupied with a private roof deck. **Variations are required.**
- The third through sixth floors are set back an average of 15 ft.; an area 41'9" long (northeast building corner) is 12 feet from the rear lot line and area 28'1" long (northwest corner) is setback 18'2" from the rear lot line for an average setback of 15 feet.

Table 1. Area, Yard, Height and Coverage Requirements (§5.7)			
Standard	Required	Proposed	Complies
Minimum Lot Width	100 ft.	102.67 ft.	Yes
Minimum Lot Depth	150 ft.	185 ft.	Yes
Front Build-to Line			
Avenue C	0 ft.	0 ft.	Yes
W. 20 th Street	0 ft.	0 ft.	Yes
Minimum Rear Yard Setback			
Ground Floor	10 ft	12 ft.	Yes
From Lot 30	12 ft.	12 ft.	Yes
NW Corner	25 ft.	12 ft.	No
Minimum Side Yard Setback			
Ground Floor Parking and Lot 23	5 ft	5 ft.	Yes
All floors above the ground floor	25 ft.	5 ft.	No
Maximum Building Height	6 stories / 68 ft.	6 stories / 68 ft.	Yes
Maximum Building Coverage	85%	97%	Yes
Maximum Lot Coverage	85%	89%	Yes

3.3. **Side Yard Setback – Upper Floor Variations.** Figure 6, reproduced on the following page, illustrates the required setback areas affecting the property, supplemented by §5.7.A.4 which describes the required setbacks. For the side yard on the south side of the property that adjoins Lot 23, there is no required setback except as necessary to provide air and light to windows and/or light wells in adjacent properties (blue area on Figure 6), a five-foot setback adjacent to Lots 17, 18, and 19, and the R-2 zone for the ground floor when the ground floor is used for parking (magenta on Figure 6). All floors above the ground floor, regardless of use, shall require a setback of 25 ft. (thin mosaic lines on Figure 6). Common and private balconies, decks, or other outdoor personal recreational facilities or space shall be permitted within the side yard setback above the ground floor, though shall not be closer than 10 feet to any property line located within a residential district. Outdoor recreation at ground level may be permitted to the property line. The ground floor and third through sixth floors appear to comply with the side yard setback requirements, however the second floor encroaches into the minimum side yard setback as described below:

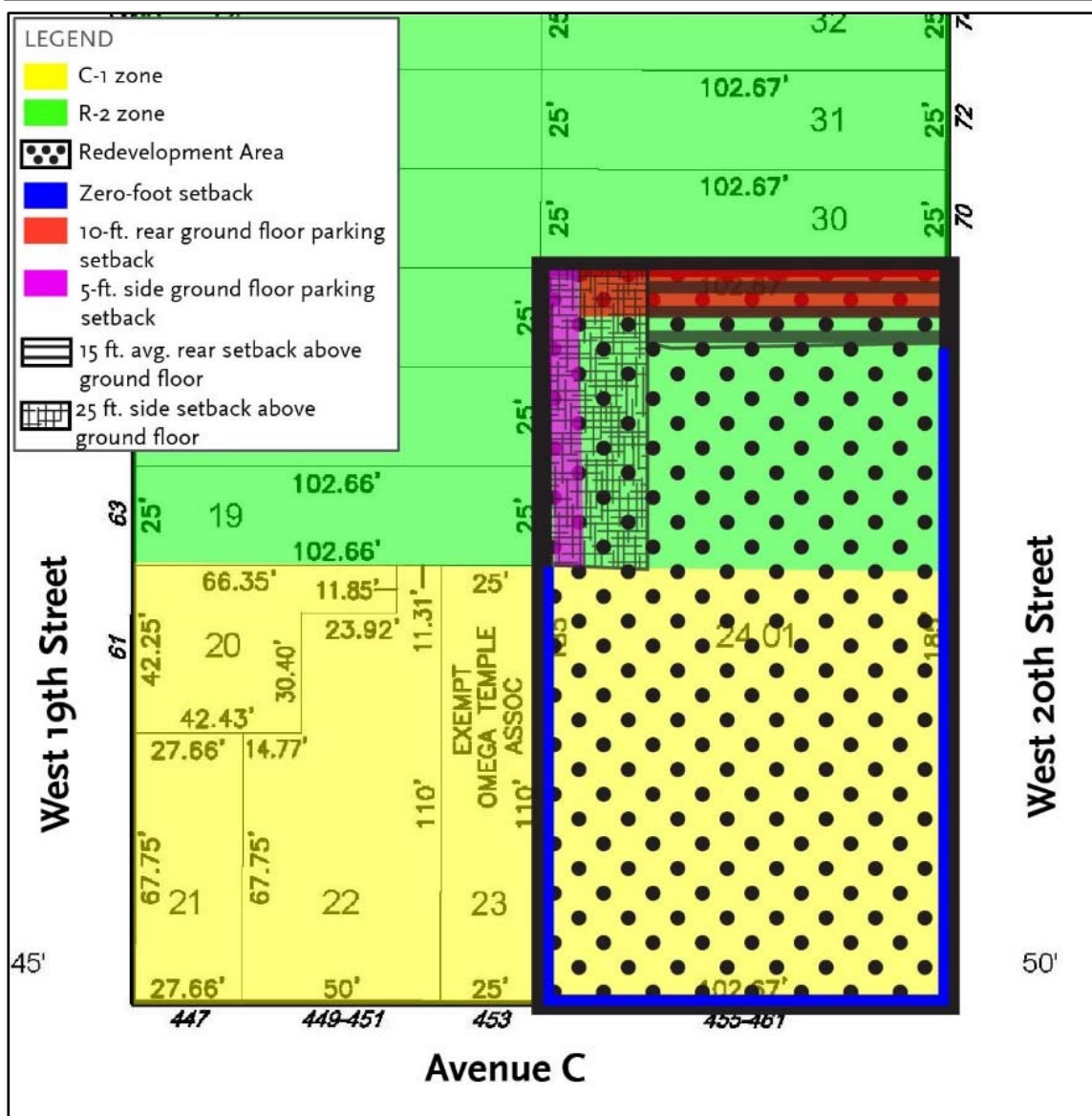


Figure 6 from the Redevelopment Plan Depicting the Required Yard Widths/Depths.

- The ground floor of the building contains parking enclosed within the building. There is an approximately 24-foot-long section of the building’s ground floor in the southwest corner of the property where it abuts the C-1 District, that provides a zero foot setback. The adjoining building on Lot 23 does not appear to have any existing windows on the wall facing the subject property. The building wall then jogs back from the side property line. The site plan does not provide a dimension for this setback, but measures approximately five feet, along Lots 17, 18 and 19 in the R-2 District. **The site plan should be revised to provide an accurate dimensioning of the setback to ensure compliance.**
- The second floor contains two areas that do not appear to comply with the required side yard setback requirement. The first is along the C-1 District boundary, where

there are private and common area roof decks and a mechanical area that are located within five feet of the side property line, where an at least 10-foot setback is required. The second location is along the R-2 District boundary (and Lots 17, 18 and 19) where private roof decks and a mechanical area are also within five feet of the side property line, where a 25-foot setback is required. Although private and common decks are permitted to encroach within 10 feet of the side yard setback along the R-2 District boundary, it is the mechanical area that is located within ten feet of the property line, not the decks. **A variance is required for each encroachment.**

- No setback is provided along the C-1 District boundary, where it adjoins the existing building Lot 23 on the third through sixth floors. Along the R-2 District boundary, the third through sixth floors are set back 25 feet from the side property line as required.
- 3.4. **Maximum Building Coverage Bonus.** Building coverage is permitted to be increased by a ratio of 2:1 above the maximum when a conforming green roof is proposed. The proposed development includes a 4,692 sf. green roof, or 26.8% of the existing lot area. This allows for the building coverage to be increased by approximately 25% of the maximum permitted. The proposed building coverage is 97%, 12% greater than the maximum permitted.
- 3.5. **Maximum Lot Coverage Bonus.** Lot coverage is permitted to be increased to 100% per §5.7.I if a green roof of at least 2,850 sf. in area is provided. The proposed development includes a green roof of 4,692 sf. The proposed lot coverage is 89%, an increase of 4%.
- 3.6. **Right-of-Way Encroachments.** Projections, appurtenances, or architectural features shall be permitted to extend into the right-of-way on W. 20th Street or Avenue C to a maximum of four feet and shall be subject to Planning Board review and approval by the Municipal Council per §5.7.F. There are a number of projections of the building's street facing façades, including the building structure, cladding materials and window boxes, that extend approximately three feet into the Avenue C and W. 20th Street rights-of-way. The site plan does not indicate the façade projections of the upper floors on either the Avenue C or W. 20th Street frontages, but does appear to indicate numerous stormwater clean-outs located along the building's façade within the right-of-way. **The applicant should clarify the extent of the encroachments and the site plan revised to accurately reflect the right-of-way encroachments. Council approval of right-of-way encroachments may be a condition of any approval.**
- 3.7. **Minimum Unit Sizes and Types.** §5.7.J.2 requires one-bedroom dwelling units to contain at least 600 sf per unit and not exceed more than 70% of the total unit count. There are 31 one-bedroom units, 44% of the total, and the smallest is 648 sf. §5.7.J.3 requires two-bedroom dwellings to have at least 800 sf. and not comprise more than 70% of the total number of dwellings. There are 32 two-bedroom units, 56% of the total units, the smallest being 918 sf. All bedrooms have at least one exterior window as a natural source of light and there are no "dens" or similar living space. The plan complies.
- 3.8. **Dwelling Unit Amenities.** Each unit contains washer and dryer, and the building contains a common package delivery and mail room. **The applicant should provide testimony to**



- ensure each unit has capability for cable television/internet utility connections as required by §5.7J.7.
- 3.9. **Rooftop Amenity Space Variances.** A five-foot buffer shall be required between any residential rooftop amenity and adjacent property or street right-of-way and be composed of plantings at least three feet in height at time of maturity (§5.7.K.2-3). A six-foot tall masonry wall, clear wall/barrier or sound attenuation wall may be provided in lieu of a planted buffer per §5.7.K.4. The sixth floor contains three roof decks which are located along the street line of W. 20th Street but have no buffer, planted or otherwise. On the second floor, there are seven roof decks which are located along the side property line. The plans are unclear as to whether a buffer wall is provided, but there are no plantings proposed in the buffer area. **Variances are required.**
- 4.0 **Off-Street Parking and Circulation**
- 4.1. **Residential Off-Street Parking.** Pursuant to §6.I.A, a minimum of 1.0 parking space per one-bedroom dwelling and 1.25 spaces are required for each two-bedroom unit. The building contains 31 one-bedrooms units and 32 two-bedroom units for a residential off-street parking requirement of 71 parking spaces. Parking may be provided in any combination of standard, compact, tandem, mechanical and valet. The proposed off-street parking facility provides 68 spaces in mechanical stackers and three standard, surface accessible spaces for a total of 71 spaces. The plan complies.
- 4.2. **Non-residential Off-street Parking.** Pursuant to §6.I.A.4, a minimum of one off-street parking space shall be provided per 300 sf. of non-residential space after the first 2,500 sf. of area. There is 1,406 sf. of retail space proposed. No off-street parking is required to be provided.
- 4.3. **Driveways.** The project is permitted to have one driveway from W. 20th Street that is limited to 24 feet in width (not including curb radii) and shall be at least 40 feet from another driveway on the same side of the street (see §6.I.D). The parking facilities are accessed via two 12-foot wide lanes to create a two-way driveway from W. 20th Street. The proposed driveway is more than 40 feet from the nearest driveway on the same side of the street. The plan complies.
- 4.4. **Pedestrian Warning System.** A pedestrian warning system is recommended to be installed at the garage entrance on W. 20th Street.
- 4.5. **Parking Structure Requirements.** Pursuant to §6.E, off-street parking shall be provided within the principal building, have adequate security provisions and utilize active, not passive, ventilation. The parking facilities are fully contained within the proposed building on the ground floor level. **The applicant shall provide testimony as to any security provisions it intends to provide and discuss the ventilation system for the parking garage, including the location of fresh air intake and exhaust vents.**
- 4.6. **Electric Vehicle (EV) Charging.** Pursuant to §6.C.10, electric vehicle parking shall be provided in compliance with P.L. 2021, Ch. 171, and the NJDCA Model EV Ordinance. At



- least 11 Make Ready EV charging spaces are required. **No EV charging spaces are indicated in either the site or architectural plans. This is a statutory requirement which the applicant shall comply with.**
- 4.7. **Minimum Bicycle Parking.** Pursuant to §6.1.B, a minimum of 0.5 bicycle parking spaces per dwelling unit and one space per 500 sf. of non-residential floor area is required. There are 63 dwelling units which requires 31.5 bicycle parking spaces and 1,406 sf. of non-residential floor area requiring 2.8 spaces for a total of 34.3 spaces. A bicycle storage room with space for 36 bicycles is proposed. **A detail of the racks should be provided.** The plan complies.
- 5.0 **Building Design**
- 5.1 **Redevelopment Plan Building Design Requirements.** Pursuant to §6.2.A, the building is to be designed in a style emblematic of nearby institutional buildings, namely the Federal Post Office located on Broadway at the corner of E. 26th Street and Broadway, and the Philip G. Vroom School located on W. 26th Street. It should be evident that one or more of these styles serves as the dominant aesthetic feature of the building: Early Classical Revival, Colonial Georgian and Federal or Beaux Arts. The proposed building is a contemporary design that is common today where a pattern of contrasting modules are used to create visual interest in the façade. **The design does not evoke the aesthetic of the required styles. In fact, the design completely misses the requirements of the Redevelopment Plan. While exact replication of these antecedent forms is not required, the massing, scale, use of fenestration and design elements is required. To say that a design exception is required is an understatement.**
- 5.2 **Building Mass.** Pursuant to §6.2.B, development will require the use of high quality materials that are emblematic of existing prominent buildings located in the City of Bayonne and requires the creation a varied articulation along the building frontages with a fine-grained appearance of the façade to enhance the existing design of the building as viewed from the streets. **The proposed building design is not emblematic of prominent, existing buildings in the City. The articulation in the design is not fine-grained, rather the articulation is heavy and blocky. A design exception is required.**
- 5.3 **General Design Criteria.** Pursuant to §6.2.C.3, all building façades shall be designed to be attractive from each vantage point and be consistent in their quality and finish on all elevations. The two elevations that can be seen from the street are consistent.
- 5.4 **Base Middle Top.** §6.2.C.4. All buildings should contain a distinctive base, middle, and top. The building has a distinctive base, middle and top. The plan complies.
- 5.5 **Blank Walls.** Pursuant to §6.2.C.5, blank or featureless walls shall be avoided, and repetition should be limited and no buildings shall have a wall with an uninterrupted length of more than 60 feet without including any change in the vertical plane of the façade (which is characteristic of the classical forms included as antecedents to follow in the design of the building). Aside from the commercial storefront, the base elevation is quite sterile. Other than the resident entrance and garage door, it appears that the dark gray brick used on the W. 20th Street base façade is broken up only by metal grilles providing ventilation for the garage. Even the door openings at the resident lobby and garage door



- have no articulation or embellishment. This same flat, sterile appearance is repeated on the Avenue C frontage in the area of the garage. **A design exception is required; however, it is recommended that the building design be modified to comply rather than approve the exception.**
- 5.6 **Color Palette.** Pursuant to §6.2.D, buildings shall be designed using a color palette that complements the architectural context of the surrounding area. From the Redevelopment Plan, color palettes should be traditional and durable colors like beige, terra cotta, brick red, dark green, black and various grays that are natural or muted and work well with the brick and stone facades of existing historic buildings in Bayonne. Overly 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 predominant building color in the surrounding area is tan/beige with red brick, yellow brick and natural stone. The proposed building uses a dark gray, silver and tan color palette with copper accents. **A design exception is required.**
- 5.7 **Base Materials.** Pursuant to §6.2.E, high quality durable decorative materials shall be incorporated into the ground floor façade along the street frontage. The predominant base material is common brick, with stone wall tile used as an accent at the commercial storefront. The plan complies.
- 5.8 **Primary Building Materials.** Primary exterior building materials shall be wood, brick, stone, stucco, metal, glass or similar durable materials and aluminum siding, vinyl siding, artificial stone, brick veneer, thin brick and ply gem are prohibited (see §6.2.F). The primary façade materials include Aluminum Composite Metal (ACM) Panels, Hardie Panel, stone wall tile and common brick. Aluminum composite metal panels, which are a laminated and bonded product, are a very modern product. These were proposed for the tower in Block HS-2 on the Peninsula to evoke a modern design, which is not the design intent of the Redevelopment Plan. For this type of building, modular brick with cast stone (a type of fine-grained pre-cast concrete) accents would be the most obvious choice of material for the exterior façade. **A design exception is required.**
- 5.9 **Street Wall.** Pursuant to §6.2.G, all buildings shall be designed to front on streets in order to create a street wall consistent with good urban form and design principles. A small plaza is encouraged at or near the front entrance to create a visible demarcation of the entrance area. The building is set at the street lines of both Avenue C and W. 20th Street. Although a plaza has not been created at the building entrance, the use of a recessed storefront at the corner and overhanging upper floors creates visual interest at this entrance. The plan complies.
- 5.10 **Main Entrances.** Pursuant to §6.2.H, all buildings shall provide a main entrance onto a street:
- The corner of Avenue C and W. 20th Street should contain entrances on both sides of the corner leading to a shared interior vestibule space per §6.2.H.1. The building has a storefront entrance at the corner of Avenue C and W. 20th Street that does not provide access into the residential part of the building or the parking garage. **A design exception is required.**

- §6.2.H.2 requires ground floor commercial uses shall be at street level with entrances that open directly onto the sidewalk. Other entrances may be provided from parking areas or any other place necessary to the design of the building. The proposed commercial space has a street level entrance that is slightly recessed into the building but opens onto the sidewalk. The plan complies.
 - Entrances shall be designed to be attractive and functional. In addition to any sidewalk variation or color change, indicators such as awnings, changes in height incorporating stairs, or similar architectural component consistent with the design, proportions, materials and character of the adjacent areas shall be encouraged (see §6.2.H.3.). As noted previously, the resident entrance is sterile and has no articulation or embellishment. **A design exception is required.**
- 5.11 **Application Renderings.** Pursuant to §6.2.I, a rendered perspective of the main elevation and a rendering of each proposed elevation shall be submitted as part of the site plan application. This shall provide sufficient detail of the proposed building along with the proposed color palette in order to determine adherence to the design requirements of the Redevelopment Plan. A perspective rendering viewed from the corner of Avenue C and W. 20th Street is included in the architectural plan set. Those plans also include color elevations of each of the street facing façades, but not of the side or rear building elevations. **Elevations of these façades should be provided to ensure compliance with other Redevelopment Plan criteria as noted in Section 3.0 of this report.**
- 5.12 **Roof Deck Orientation.** Pursuant to §6.2.K, any interior courtyard or rooftop terrace shall have exposure and views to the south, west, and/or east. Any interior courtyard or rooftop terrace may have exposure and views to the north, but not only to the north. The roof decks on the sixth floor only face north. **A design exception is required.**
- 5.13 **Commercial Storefront Design.** Pursuant to §6.2.L, commercial uses on the ground floor shall be required to conform to the following standards:
- §6.2.L.1 requires the portion of the ground floor frontage where the commercial use is located to be primarily glazed with tall shop windows. The commercial space uses tall shop windows. The plan complies.
 - A minimum of 70% of the street-facing storefront façade between two and eight feet in height shall be comprised of clear windows that allow views of indoor space or product display areas per §6.2.L.2. The plans do not contain a calculation of the storefront façade area and do not specify the type of glass used in the storefront. **The applicant should provide testimony addressing the type of glass and the plans revised to include the necessary calculation to determine compliance.**
 - §6.2.L.3 requires real or apparent columns of wood, masonry or steel to divide sections of the storefront in order to create vertical proportions. The commercial storefront is divided into two modules on each façade using stone tile to provide a vertical separation, which simulate columns. The plan complies.



- §6.2.L.4 requires the storefront to be composed of modular brick, ashlar stone, tile, cementitious stucco, or painted wood or Hardi-plank (or approved equivalent material) with appropriate architrave. Stone tile is used on the commercial storefront. The plan complies.

6.0 Open Space, Landscaping and Fencing

- 6.1. **Open Space and Recreation Facilities.** Pursuant to §6.8.A, a minimum 15% of the total lot area shall consist of open space and recreation facilities. This may be provided at grade, on rooftop areas or on private balconies. 2,624.7 sf. is required. The area of all the common roof decks totals 1,965 sf. and there is another 1,750 sf. of private roof deck area totaling more than 3,700 sf. The plan complies.
- 6.2. **Fencing.** New fences are required to be commercial or industrial grade powder-coated metal picket and freestanding walls shall be masonry consistent with the architectural elements of the principal building per §6.5.D. Both fencing and walls are restricted to six feet in height along the side property line and four feet in height along the rear property line (§6.B and C). There is an existing chain link fence along the rear property line which appears to belong to adjoining Lot 30. No fencing has been proposed on the subject property.
- 6.3. **Plantings Required.** Pursuant to §6.6.C, plantings such as shrubs, flowers, or trees shall be used to accent entrances, arcades, sidewalks, communal plazas, communal rooftops and communal terraces. Such accent plantings shall be hardy, native or adaptive species that are drought tolerant and able to thrive in an urban environment. The plan proposes a lawn area with ornamental plantings in the rear yard. Although street trees are proposed along both W. 20th Street and Avenue C frontages, no other plantings are proposed. **A design exception is required; however, we believe that the applicant should comply with this standard.** This office recommends the integration of planters into the Frontage Zone or Tree Zone as defined in the Redevelopment Plan, which may require additional approval by the City Council.

7.0 Streetscape

- 7.1 **Streetscape.** Pursuant to §6.3.A, the streetscape design is intended to create a pedestrian friendly frontage along Avenue C and W. 20th Street with street furniture, plantings and other visual elements that will encourage greater foot traffic and social interaction in the neighborhood for new and existing residents and visitors. In between street trees, trash cans should be located toward the center line of the Tree Zone and benches are required seating in the streetscape, along with bicycle racks and permeable pavers or a sidewalk design utilizing decorative scoring (see §6.3.B.6). Multi-sensory wayfinding for the vision and hearing impaired should be included in the sidewalk design (see §6.3.B.7). **The site plan does not indicate any furnishings, wayfinding signage, or provide any notations and details for decorative sidewalk design on either street frontage.**
- 7.2 **Street Trees.** Pursuant to §6.3.B.5.b, street trees on Avenue C should be spaced 35 to 45 feet apart, taking into account the location of underground utilities, driveways, on-street

- parking and loading zones. Three street trees, spaced approximately 30 feet apart, are proposed along the property's Avenue C frontage. Although the site plan does not provide sufficient detail to ensure that this spacing takes all underground utilities into consideration, this appears to meet the plan requirements.
- 7.3 Street Tree Species.** Pursuant to §6.6.B, at least three different species of deciduous trees are recommended. The plan proposes only one species of street tree; Armstrong Red Maple (*Acer rubrum* 'Armstrong), a columnar variety. **A design exception is required.**
- 7.4 Planting Details.** Pursuant to §6.3.B.5, the planting detail for street trees shall indicate planting within a soil cell that is the same or equivalent to the Silva Cell System with a tree grates installed at the surface that is flush with the sidewalk. **The plans should be revised accordingly.**
- 8.0 Lighting**
- 8.1 Street Lighting.** Street lighting is required to conform with the municipal street lighting standards. Currently, there is one cobra head fixture on the property's Avenue C frontage and one cobra head fixture on the opposite side of W. 20th Street, located at about the midpoint of the property's frontage. No street lighting is proposed on either street frontage. **A potential design exception may be required.**
- 8.2. Exterior Lighting.** All outdoor lighting, excepting street lighting, should be coordinated as to style, material and color and all exterior lighting shall be designed, located, installed and directed in such a manner to prevent objectionable light at and across property lines (see §6.4.A.1). **The plans do not contain a photometric plan, lighting schedule or full details of fixtures.** The plans should be coordinated and include a full photometric plan and details for review to ensure compliance with the regulations.
- 8.3. Pedestrian Lighting.** Pursuant to §6.4.A.3, pedestrian lighting should be building mounted at a mounting height no greater than 14 feet. The minimum footcandle illumination in the Clear Zone should be 0.5 at grade level. The site plan indicates building mounted fixtures on both street facing façades with the notation, "New Wall Mounted Light for Parking". The mounting height of these fixtures is not provided and there is no photometric plan of illumination to evaluate the illumination requirements. **A potential design exception may be required.**
- 8.4. Light Color Temperature.** Lamps shall emit a color temperature between 2,800°K and 4,000°K with a minimum color rendering index (CRI) of 70 or higher (see §6.4.A.5). The color temperature of the proposed exterior lights has not been specified and the fixture detail provided does not indicate the available color temperature or CRI. **A potential design exception may be required.**
- 8.5. Decorative Lighting.** §6.4.B allows the redeveloper to incorporate decorative lighting into the design of the building that is arranged in a manner to provide for a creative and artful effect. The extent of the lighting proposed is unclear. The architectural renderings show recessed fixtures in the parts of the building which project over the right-of-way, as well as accent lighting associated with the retail storefront, but these lights are not noted on the site plan. The wall mounted lights shown on the site plan do not appear to be represented



in the architectural rendering. **The lack of coordination between the civil engineering and architectural drawings mean that the totality of the exterior lighting cannot be evaluated with the plans as submitted.**

9.0 Sustainable Design

- 9.1. **LEED Criteria.** Although actual LEED Certification is not required, all buildings shall demonstrate the project would meet the requirements to achieve a LEED (Leadership in Energy Efficient Design) Certified rating or greater, per §6.9.F. **The applicant has not provided a LEED worksheet or other documentation to meet this requirement.**
- 9.2. **Green Roof.** §6.8.A requires at least 30% of the upper rooftop to be developed as a green roof. A green roof occupying 4,692 sf., or 42% of the upper roof area has been provided. The plan complies.

10.0 Signs

- 10.1. **Residential Signage.** One wall sign, up to 100 sf., for each street frontage is permitted per §6.7.A. The plans do not contain any sign details. The architectural renderings depict address numbers above the resident entrance to the building, but no other building identification signage. **The applicant should provide testimony addressing any building identification or resident signage and the plans revised accordingly.**
- 10.2. **Commercial Signage.** Each commercial tenant is permitted one wall sign affixed to the storefront having a maximum sign area of no greater than 40 square feet per §6.7.B. Two signs are permitted if the commercial storefront has frontage on both streets, provided the message is the same on both signs. The plans do not contain any sign details. The architectural renderings depict one lighted commercial sign located above the storefront entrance at the corner. **The applicant should provide testimony addressing the commercial signage and the plans revised accordingly.**

11.0 Utilities and Mechanical Equipment

- 11.1. **Mechanical Equipment.** Pursuant to §6.9.E.4, all mechanical equipment serving the building shall be placed on the roof of the building and be screened utilizing the same material used in construction of the building such that screening appears to be an integral part of the building. §6.9.E.5 also requires all mechanical equipment, generators, HVAC equipment, and similar equipment to be acoustically buffered. **The plans do not indicate the location of any HVAC equipment, generators or other mechanical equipment. The applicant shall provide testimony addressing the number, size, location and screening of all HVAC and mechanical equipment and the plans should be revised accordingly.**
- 11.2. **Meters.** The plans do not indicate the location of any utility meters or telecommunications equipment serving the property. The ground floor contains various mechanical and utility rooms; however, it is unclear if electric and gas meters will be located within the building. **The applicant should provide testimony as to the location of meters and any other utility equipment and any screening to be provided if located on the side or rear of the building.**



12.0 Solid Waste

- 12.1. **Trash and Recycling.** Pursuant to §6.9D.2, a recycling and refuse plan, showing the operations, manuals, pickup, and estimated trash volume shall be provided during site plan review. **The applicant's submission does not include a recycling and refuse plan.**
- 12.2. **Compactor System.** When refuse compacting systems are provided, refuse chutes shall be required for conveyance of garbage and rubbish to refuse collection rooms. Chutes shall be constructed straight and plumb without projections of any kind within the chute (see §6.9D.3). The building uses an internal trash room with chute and compactor on the ground floor. The trash room appears to only have access via a walkway inside the garage level and the location of the chute exit in the trash room does not align with the location of the chute on the upper floors. **While technically this requires a design exception, it would be nonsensical for a trash and refuse chute to provide anything other than a straight drop to the trash room. There would appear to be a drafting error in the plan set. The applicant's appropriate professional should provide testimony and no exception granted.**

13.0 Consideration of the "C" Variances

- 13.1. **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
- 13.2. **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.



13.3. **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.

- 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, vegetation removal and aesthetics that cannot be adequately mitigated. The applicant should address any impacts to the character of the neighborhood resulting from the proposed position of the swimming pool and related structures.
- Impact to the zone plan. The applicant must show that the relief can be granted without substantially impairing the zone 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 AR zone.

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.

14.0 **Consideration of Design Exceptions**

14.1. **Overall Comment:** The Board may also grant deviations from site plan or redevelopment 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 somewhat 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.



15.0 Applicant / Owner / Consultants

- 15.1. **Applicant.** John & Maryan, LLC, 140 Bleeker Street, Jersey City, NJ 07307. Tele: 201-988-7160. Email: vo.propertymanager@gmail.com
- 15.2. **Owner.** Angelo Beskaly, 140 Bleeker Street, Jersey City, NJ 07307. Tele: 201-988-7160. Email: vo.propertymanager@gmail.com
- 15.3. **Attorney.** Michael Miceli, Esq., of Prime Tuvel & Miceli, 1 Evertrust Plaza, Suite 1202, Jersey City, NJ 07302. Tele: 856.273.8383. Email: mike@primelaw.com
- 15.4. **Planner.** Charles Heydt, PP, AICP, of Dresdner Robin, LLC, 55 Lane Road, Suite 220, Fairfield, NJ 07004. Tele: 973-348-1071. Email: cheydt@dresdnerrobin.com
- 15.5. **Engineer.** Guy Lagomarsino, PE, of Optimized Engineering Associates, 400 38th Street, Suite 307, Union City, NJ 07087. Tele: 201-430-9173. Email: guy@oea-corp.com
- 15.6. **Architect.** Richard Garber, AIA, of GRO Architects, 125 Maiden Lane, Suite 506, NY, NY 10038. Tele: 212-346-0705. Email: richard@groarch.com

16.0 Materials Reviewed

- 16.1. *City of Bayonne Application for Development Form (P-24-036)*, with attachments, unknown date.
- 16.2. *Statement of the Applicant*, undated.
- 16.3. *Environmental Impact Statement*, prepared by Charles Heydt, PP, AICP, of Dresdner Robin, dated December 11, 2024.
- 16.4. *Deed*, dated February 8, 2019.
- 16.5. *Survey for the Property Located at 455-461 Avenue C, City of Bayonne, Hudson County, New Jersey*, prepared by Behar Surveying Associates, PC, not signed or sealed, dated March 12, 2018, consisting of one sheet.
- 16.6. *Preliminary and Final Major Site Plan*, prepared by Guy Lagomarsino, PE, of Optimized Engineering Associates, dated October, 2024, consisting of seven sheets.
- 16.7. *New Construction Multi-family Residential*, prepared by Richard Garber, AIA, of GRO Architects, not signed or sealed, dated November 1, 2024, consisting of 13 sheets.
- 16.8. *Building Construction Official Recommendation Letter*, prepared by Joseph Benkert, dated February 3, 2025.
- 16.9. *Historic Preservation Commission Recommendation Letter*, prepared by Joseph Ryan, dated February 3, 2025.
- 16.10. *Fire Sub-code Official Recommendation Letter*, prepared by Joseph Coughlin, dated February 3, 2025.

17.0 Additional Material that Needs to be Submitted to Complete the Review

- 17.1. Accurate dimensioning of the yard setback from adjacent Lots 17-19;



- 17.2. Clarification of the right-of-way encroachments of the building;
- 17.3. The location of EV Make Ready Charging parking spaces;
- 17.4. Detail of the proposed bicycle rack(s);
- 17.5. Rendered perspective of each elevation of the building;
- 17.6. The proposed street lighting;
- 17.7. The proposed photometric plan, lighting schedule and lighting fixtures for the site;
- 17.8. LEED Worksheet or other similar documentation for energy efficiency;
- 17.9. The location of exterior HVAC equipment and utility connections;
- 17.10. The submission of a trash and refuse removal plan.

18.0 Relief Required

Variances

- §5.7.A.3: 12-foot rear yard where 25 feet is required; 15-foot rear yard where 25-feet is required;
- §5.7.A.4: 5-foot rear yard where 25 feet is required; and
- §5.7.K.2-3: Rooftop amenity buffer of zero feet where 5 feet is required. We do not recommend that this variance be granted since it is a safety standard; the other variances we leave the applicant to its proofs.

Design Exceptions

We do not recommend that any of the design exceptions be granted except for §6.2.K and §6.3.B.

- §6.2.A: Building design emblematic of one of four stylistic eras of architecture;
- §6.2.B: Creation of varied articulation of the building facades;
- §6.2.C.5: Avoidance of blank walls and limited repetition of building elements;
- §6.2.D: Color palette not consistent with the Redevelopment Plan;
- §6.2.F: Primary building material not consistent with the Redevelopment Plan;
- §6.2.H.1: Lack of building entrances on both street frontages;
- §6.2.H.3: Residential entrance not consistent with the Redevelopment Plans;
- §6.2.K: Roof deck has a prohibited orientation only to the north;
- §6.6.C: Lack of plantings other than street trees;
- §6.3.A: No street furnishings have been proposed;
- §6.3.B.6: Lack of bicycle facilities, permeable pavers and decorative sidewalks;
- §6.3.B: Lack of diversity in the street trees; and
- §6.9D.3: Refuse chute to the trash compactor.

Potentially, these design exceptions may also be required:

- §6.4.A: Street lighting;
- §6.4.A.1: Light spillage over property lines;



- §6.4.A.3: Pedestrian lighting standards;
- §6.4.A.5: Lighting color temperature and rendering index minimum; and
- §6.9.E.4: Screening of mechanical equipment.

Additional variances and exceptions may be identified by the Board and Board professionals.

19.0 Conditions of Approval

Ideally the applicant would revise the exterior façade of the building and resubmit a revised set of architectural plans that comport with the design standards of the Redevelopment Plan for the Planning Board's review and approval. As it stands, the submission falls short of meeting those standards as can be seen from the long list of design exceptions that would be needed to approve the site plan as submitted. The following conditions of approval are recommended by this office. Additional conditions of approval may be identified by the Board and Board professionals:

- 19.1. **Additional Submission Material.** All of the submission material as listed in Section 15.0.
- 19.2. **Revision to the Architectural Plans.** The architectural plans need substantial revision to meet the design standards of the Redevelopment Plan.
- 19.3. **Affordable Housing Fees for Residential Development.** As a condition of approval, any required residential affordable housing fees required by the City ordinance or as negotiated in the Redeveloper's Agreement shall be paid by the applicant.

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

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