



## MEMORANDUM

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### Clarke Caton Hintz

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**To:** Bayonne Zoning Board of Adjustment

**From:** Brian Slaugh, PP, AICP, Planning Consultant  
David Robbins, AICP

**Re:** **Amal Tawadros**  
**Application No. Z-26-004**  
Use & Bulk Variance; Preliminary and Final Site Plan  
Block 192, Lots 20  
527 Avenue A  
R-M High Density Residential District

**Date:** June 10, 2026

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### 1.0 APPLICATION DESCRIPTION

- 1.1. Applicant's Proposal.** The applicant proposes to demolish an existing fire-damaged two-family dwelling in order to construct a new five-unit multi-family dwelling. The proposed three-story building contains five apartments, ground floor parking, and a partial basement. The apartments include: three, two-bedroom apartments with an additional room labeled for home office use and two, three-bedroom apartments. A partial basement provides space for bicycle parking, storage of waste and recyclables, as well as mechanical and utility areas. The ground floor contains parking for seven cars including one barrier free space, and an elevator. The second floor includes two, two-bedroom and one, three-bedroom apartment. The third floor has two, three-bedroom apartments. Lastly, the entirety of the roof is shown as a deck that is accessible only by stairs, and not the elevator.
- 1.2. Existing Conditions.** The subject property is a 40' x 183.75' (7,495 sf.) lot located on the west side of Avenue A, just south of W. 23<sup>rd</sup> St. As noted, the property contains a fire damaged two-story building that had been used as a two-family dwelling. The property has a driveway along the north side of the lot that leads to a paved parking area in the rear of the property and a one-story garage with room for seven cars.
- 1.3. Neighborhood Context.** The property is located in the R-M High Density Residential District. Adjoining properties and those in the general vicinity are two-family and multifamily dwellings. Directly north of the subject property is the Back Bay Gardens senior apartments, which is owned and operated by the

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Bayonne Housing Authority. It should be noted that the subject parcel is the only lot besides the Back Bay Gardens property located in the R-M District.



**Photo 1. Subject Site in Center of the Photograph Facing Avenue A**

**2.0 ZONING**

**2.1. Permitted Use.** In §35-5.5 the allowed uses in the R-M District are:

1. Detached single family dwellings.
2. Two family detached dwellings.
3. One family attached townhouses, with a minimum of two and a maximum of six dwelling units per structure. No more than one unit shall be permitted on an individual lot.



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Photo 2. Recent Aerial of the Subject Property.

4. Two-family attached townhouses, with a minimum of four and a maximum of six dwelling units per structure. No more than two units shall be permitted on an individual lot.
5. Multiple family dwellings including three- to six-family dwellings and low rise apartment buildings.
6. High rise apartment buildings.
7. Home occupations.
8. Family day care homes.
9. Essential services.

**The proposed use fits into number 5, a multiple family building with three to six units. A use variance is not required.**

2.2. **FAR Variance.** The applicant proposes a floor area ratio (FAR) of 1.65 where the ordinance limit is 1.5 (see §35-5.5e). Floor area ratio is a measure of intensity and by law an application that exceeds this limit requires the granting of a variance under NJSA 40:55D-7od(4). **A ‘d’ variance is required.**

2.3. **Minimum Lot Frontage Variance.** Low Rise Apartments require a lot frontage of 75 feet. The applicant proposes 40.13 feet. **A ‘c’ variance is required.**



- 2.4. **Minimum Side Yard Variances.** Low Rise Apartments uses are required to have a side yard of at least 3 feet, and aggregated side yards of at least 6 feet. The applicant proposes 0 feet and an aggregate of 0 feet. The southerly side of the property is adjacent to a two-family house set back approximately 3 feet from its side property line. On the northerly side, the property abuts the parking lot for Back Bay Gardens. **Two ‘c’ variances are required.**
- 2.5. **Discussion on Bedrooms.** In New Jersey, a legal bedroom must meet strict building and safety standards under the NJ Uniform Construction Code. It requires a minimum size of 70 sf., an operable emergency egress window, adequate ventilation, direct hallway access, ceiling height compliance, and proper smoke alarms. A closet is not required by code. Additionally, a room does not strictly need a closing door to be legally considered a bedroom. The conversion of “offices” and “dens” into additional bedrooms has been an ongoing problem in the City. In the City’s many redevelopment plans, rooms labeled for dens and offices are treated as bedrooms unless the floor plans indicate that, “...it lacks a closet or an entry door, and/or has an opening that cannot be fitted for a standard interior door (i.e., wider than 40 inches) and/or has dimensions that cannot fit a full-size bed (54” x 75”). Applying this standard to the applicant’s proposal, the proposal actually amounts to four, three-bedroom units and one, two-bedroom apartment with a home office. This has implications for required off-street parking as discussed in Comment 2.6.
- 2.6. **Parking Spaces Variance.** Pursuant to §35-5.5, off-street parking is a required accessory use in the R-M District. Each two-bedroom dwelling is required to have 1.25 off-street parking spaces and each three-bedroom apartment is required to have 1.5 off-street parking spaces (see §35-17.6b). The proposed five apartments by our calculation require 8 (7.25 spaces rounded up to 8) off-street parking spaces. **A ‘c’ variance is required.**
- 2.7. **Off Street Parking and Loading – Design Regulations.**
- 2.7.1. Size of Parking Stall and Driveway Curb Cuts. Pursuant to §35-17.5a, the minimum parking stall size for the use is required to be 9’ x 18’. **Complies.**
- 2.7.2. Driveway Curb Cut Variance. Pursuant to §35-17.5a, in residential and commercial zones, no driveway curb cut shall exceed 10 feet in width and there shall be no more than one driveway curb cut per lot. The applicant proposes a 14-foot wide curb cut. **A ‘c’ variance is required.**
- 2.7.3. Parking Bay Variance. Parking areas or lots shall be designed in accordance with the following standards: 90 degree angled parking single bay shall be



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a minimum of 42 feet (see §35-17.5b). The application proposes a bay width of 38 feet. A 'c' variance is required.

- 2.8. **Minimum Open Space.** All multiple family dwellings are required to provide at least 250 sf. of open space per two-bedroom unit and at least 300 sf. of open space per three-bedroom unit in order to provide light, air, and recreational space for occupants and other persons visiting the property per §35-5.26.k. The proposed building provides a 3,873 sf. roof deck and 2,224 sf. of landscaped rear yard, for a total of 6,497± sf., or 575± sf. per dwelling. In addition, the applicant proposes an indoor lounge and amenity space for residents and their guests. **Complies.**

3.0 **CONSIDERATION OF THE FAR VARIANCE**

- 3.1. **Consideration of the Floor Area Ratio (FAR) Variance (NJSA 40:55D-70d(4)).** FAR is a tool to limit the intensity of the use by controlling the mass and scale of buildings on land. FAR is determined by adding all of the floor area of a building (as defined in the zoning ordinance) divided by the area of the lot. When considering a variance for excessive FAR, the applicant is required to satisfy a lower legal threshold than for a use variance with the focus being similar to a variance from a conditional use criterion. The seminal case in conditional use criteria is *Coventry Square v. Westwood Zoning Bd. of Adjustment* which focused on the means to accommodate the proposed use despite not meeting the standard(s). In this instance, the focus should be on whether the site can accommodate the increase in FAR. As noted above, the proposed parking is insufficient for the number of apartments and the parking lot is substandard, and the building does not meet the side yard requirements, being too wide to fit within the required setbacks. The lot lacks the required street frontage for multi-family uses. If the property had the appropriate width at the street, it could accommodate the required side yards and the required parking bay width. With regard also to the context of the building to the next door building to the south, a solid masonry wall 12½ feet tall would be built at the property line. This will block most of the windows and even possibly the side door of the neighbor's house. See photograph on the following page.



**Photo 3. Depiction of existing building separation of 6 feet. Proposal is for 3 feet from house on the left.**

- 3.2. **FAR Variance Special Reasons.** As with any 'd' variance, the applicant must demonstrate special reasons for the granting of the variance and why the site is particularly suited to permit the level of intensity proposed for the site.
- 3.3. **FAR Negative Criteria.** Here, aside from demonstrating that the site can accommodate the development despite not adhering to the FAR limit, the applicant will need to show that no substantial detriment is created that affects the purposes of the zoning ordinance and the Master Plan. See Comment 3.5.
- 3.4. **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.



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- 3.4.1. 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:
- 3.4.2. 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.

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.

- 3.5. **Consistency with the Master Plan and Zoning Ordinance.** As noted above, the applicants must also prove that it does not create a substantial detriment to the intent and purpose of the master plan and zoning ordinance. The Reexamination Report of the Master Plan (2017) made specific land use recommendations to be adopted in a revised land use plan element pertaining to existing residential neighborhoods. It is not clear from the 2000 Master Plan or the Reexamination Report why this lot is zoned R-M unless the Planning Board was viewing it as a transitional development to the large, multi-story apartment building next door.



**4.0 GENERAL PLAN COMMENTS**

- 4.1. Mechanical Equipment.** The plans do not the location of AC units. **The applicant should confirm where all mechanical equipment will be located.**
- 4.2. Utility Meters.** The site plan does not indicate the location of utility meters serving the units. **If utility meters are to be mounted on the exterior of the building they should be located.**
- 4.3. Roff Deck Access.** The plan only shows stairway access to roof the roof deck and the elevations. Furthermore, the building section lack any indication of stair enclosure. **The applicant should confirm how the roof is accessed and how the stairs are enclosed.**
- 4.4. Lighting.** The plan depicts no lighting at the front of the building, over the garage door, and at the rear of the building. There also is no detail of the proposed light fixtures. **The plans should be revised to provide fixture details and light levels for all building entry points, balconies and rooftop recreation areas. These areas should not exceed a level of one footcandle at the property line.**
- 4.5. Building Elevations.** The building elevations and materials depicted in the submitted site plan are out of character with the neighborhood, being minimalist in design and with uncommon exterior materials. The elevations do not exhibit the articulation of building elements and emphasis on the front façade at door entrances that characterize the rest of the residential properties on the street. It has a more commercial appearance. **If the application is approved, it should be contingent on modification of the elevations. We would be happy to engage the architect in a dialogue on the design.**

**5.0 MATERIALS REVIEWED**

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

- Application and Checklist, dated April 7, 2026.
- Narrative Statement of Applicant, undated.
- Zoning Officer Letter, dated April 10, 2026.
- Certificate of Completeness Review, dated June 01, 2026.
- Copy of Tax Map Sheet 47 with property highlighted, undated.
- Copy of Property Deed, dated January 9, 2020.

**6.0 APPLICANT AND PROFESSIONALS**

- **Applicant/Owner.** Amal Tawadros, 527 Avenue A, Bayonne, NJ 07002.  
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- **Architect.** Stephen M. Kawalek, RA, PP, Kawalek and Kawalek Architects, LLC, 772 ½ Broadway, Bayonne, NJ 07002. Tel: 201-437-0648.  
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**7.0 LIST OF NECESSARY RELIEF**

Based on our initial review, the following variances 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.

**7.1. Variances:**

- §35-17.6b1 Off-street parking – number of spaces
- §35-17.5a Driveway Curb Cuts.
- §35-17.5b - Parking Bays
- §35-5.5e2 Minimum Lot Frontage
- §35-5.5e5 Side Yard Set Backs (3')
- §35-5.5e5 Side Yard Set Backs (combined yards)
- §35-5.5e8 Maximum Floor Area Ratio

**7.2. Recommended Conditions of Approval:**

- The plans should be revised to provide fixture details and light levels for all building entry points, balconies and rooftop recreation areas that does not exceed one footcandle at the property line.
- All mechanical equipment should be located.
- Utility meters shall be located.
- Building elevations and materials should be revised to better integrate in to the neighborhood.
- Payment of any required affordable housing development fees as required by the City's affordable housing regulations.

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

Cc. Alicia Losonczy, Land use Administrator  
Richard N. Campisano, Esq., Board Attorney  
Greg Valesi, PE, PP, CME, Board Engineer  
Suzanne T. Mack, PP, AICP, CTP, FITE, AHP, City Planner  
Tracey Tuohy, Zoning Officer  
Applicant and Professional Team