

Review #1

John and Maryan, LLC

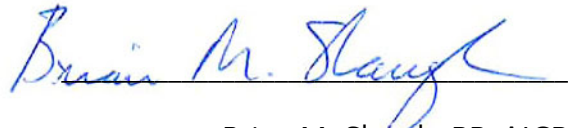
Preliminary and Final Major Site Plan

Application P-25-037

1012 – 1022 Avenue C Redevelopment Plan

1012 --1022 Avenue C
Block 64, Lots 2 & 3

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INTRODUCTION

1. Project Summary and Site Description

- 1.1. Proposal Details and Existing Conditions.** The applicant requests preliminary and final major site plan approval to construct a new, five-story, multi-family building containing 40 one- and two-bedroom apartments, 44 parking spaces, bike parking, lobby with mail and package facilities and a roof terrace with green roof. The subject property consists of two lots that contain 12,474 square feet, or 0.286 acres of land area. The site has frontage on Avenue C (153 feet), W. 48th Street (63.4 feet), and W. 49th Street (34.1 feet) and was previously the location of the Temple Ohav Sholem (or Ohav Sholom) synagogue which closed in 2003 on Lot 2. Lot 3 is an undeveloped through-lot that has a width of 20 to 25 feet. See illustration on the next page. The front or the balconies of the new apartment building is set at all of the street lines of the frontage. The garage entrance is located mid-block between W. 48th and W. 49th Streets on Avenue C. These building entrances are recessed to avoid interference with pedestrian traffic. Along W. 49th Street, there is a small, fenced yard housing an electric transformer and generator and a one-story extension of the building containing additional utility infrastructure. All of the buildings on the site have been demolished.
- 1.2. Submission Completeness.** The property is the subject of the 1012 – 1022 Avenue C Redevelopment Plan. There are three significant prerequisites to a site plan application required by the Redevelopment Plan, which have not been satisfied; applicant designation as the redeveloper, an executed redeveloper’s agreement and demonstration of the need for any on-site effluent storage due to pump station capacity limitations (6.9.E.1.3). Additionally, there are a number of items required by the Redevelopment Plan to be submitted as part of a site plan application that have not been included with the application materials: sign package, LEED checklist or other means of demonstrating compliance with the Plan’s Sustainable Design standards and precedent images of buildings in the neighborhood used as inspiration for the building’s architectural style. A rendered perspective of the main elevation is also required and was provided in the initial submission, however there has been a significant change in the building design that the rendering does not represent. An updated rendering is required. There are also a number of technical discrepancies within the plans that may be resolved as part of resolution compliance. **The applicant has requested the Board grant waivers for site plan checklist items as well as, “any/all other items not submitted because the submitted materials are sufficient to allow the Board to make a determination as to whether Applicant has met its burden for site plan approval”.** The applicant should confirm whether it has been appointed as the designated redeveloper and the status of the redeveloper agreement.





Illustration 1. Recent Aerial of 1012 – 1022 Avenue C

- 1.3. **Neighborhood Context.** Surrounding land uses are in the R-2 Zone and include single-family detached dwellings, two-family dwellings, multi-family apartments, condominiums, and mixed-use buildings that contain ground-floor commercial uses or home occupations. The properties that abut the Redevelopment Area – Lot 1 contains a restaurant and bagel shop on the ground floor and apartments on the upper level of the two-story and Lot 4 is a three-story apartment building with parking lot. The property located across Avenue C (Block 63, Lot 2) contains a four-story, multi-family residential building located in the R-M High Density Residential District.

REDEVELOPMENT PLAN STANDARDS

2. Use Standards

- 2.1. **Permitted Principal Use.** §5.4.A of the Redevelopment Plan permits multi-family residential dwellings as the only principal use. The proposed building contains multi-family residential apartments. The plan complies.
- 2.2. **Permitted Accessory Uses.** The Redevelopment Plan permits indoor, outdoor and rooftop recreational uses and amenities for residents and guests, off-street loading and parking facilities, green roofs and rain gardens, mail and package rooms and other customary and incidental uses typically associated with a multi-family development (see §5.5). The proposed development includes a rooftop terrace with green roof, internal parking and loading facilities, lobby with mail and package room, centralized trash collection and bicycle parking. The plan complies.



Illustration 2. Architectural Elevation of Proposed Building – Avenue C

3. Area, Yard & Structure Requirements

3.1. **Bulk Requirements.** Compliance with the area, yard, height and coverage requirements of §5.7 of the Redevelopment Plan are outlined below.

- A. Minimum tract area shall be the total combined area of Block 64; Lots 2 and 3. The proposed tract area consists of the total combined area of Block 64; Lots 2 and 3. The plan complies.
- B. Minimum lot frontage required along Avenue C is 153 ft., W. 48th Street is 63 ft., and W. 49th Street is 34 feet. The property's frontage on Avenue C is 153 feet, W. 48th Street is 63 ft., and W. 49th Street is 34 feet. The plan complies.
- C. The minimum setback from W. 49th Street is zero feet and the build-to-line from Avenue C and W. 48th Street is zero to five feet. The ground floor of the proposed building is set at the property line along Avenue C and W. 48th Street with recesses between three and seven feet. The upper floors extend over these recesses and into the Avenue C and W. 48th Street rights-of-way. The building is 20 feet from W. 49th Street. All right-of-way encroachments require approval by municipal Council. The plan complies.
- D. Minimum yard and/or setback requirements above the third story from Lot 1 is three feet and the maximum is five feet. The proposed building's second through fifth floors are approximately 4.1 feet from Lot 1. The plan complies.
- E. Minimum setback from Lot 4 where the ground floor is utilized for interior parking, is zero feet. The ground floor of the proposed building adjoining Lot 4 is used for parking and is set at the property line. The plan complies.
- F. Minimum setback of rooftop terraces or outdoor recreation above the fourth floor, from property lines or rights-of-way, is eight feet. The proposed building's rooftop terrace is

above the fifth floor and is set back 18 feet from Avenue C, 22 feet from Lot 1, 32 feet from Lot 4 and 84 feet from W. 49th Street. The plan complies.

- G. Rooftop facilities containing amenities for residents and their guests may be located on any roof surface provided that the rooftop amenity shall be set back from the edge of the roof a minimum of five feet and this in-between space shall be buffered with evergreen plant material at least four feet in height at time of maturity. A clear wall/barrier or sound attenuation wall, such as AIL Soundwall system or approved equal, may be provided in combination or in lieu of plantings. **The rooftop amenity is set more than five feet from the edge of the roof but, there are no plantings or sound wall proposed. A variance is required to permit this deviation; however it is recommended that the applicant comply with this requirement.**
 - H. Maximum lot coverage shall not exceed 95% of the total tract area, but may be increased at a ratio of one foot of green roof for each one foot of building coverage. The proposed building covers about 94.5% of the lot, or 11,773 sf. A permeable pavement walkway along the north side of the property covers about 5.5%, or 701 sf. The building includes a 2,270 sf. green roof above the fifth floor. The plan complies.
 - I. Maximum building height is 60 ft. and five stories, however if the ground floor is used for mechanical parking, the ground floor may have a maximum height of 20 ft. from floor to ceiling, and the total building height may be 65 ft. The proposed building has mechanical parking with a floor-to-ceiling height of 15'9". The building height is 58 feet and five stories. The plan complies.
- 3.2. **Minimum Unit Sizes and Types.** §5.7.K requires studio dwelling units to contain at least 500 sf. and not exceed more than 33% of the total unit count, one-bedroom dwelling units to contain at least 650 sf. per unit and not exceed more than 80% of the total unit count and two-bedroom units contain at least 800 sf. and not exceed 80% of the unit count. No dwelling unit shall contain three or more bedrooms. There are 24, one-bedroom units, 60% of the total, and 16, two-bedroom units, 40% of the total. The smallest one-bedroom unit is 675 sf. and the smallest two-bedroom unit is 800 sf. All bedrooms have at least one exterior window as a natural source of light and there are no "dens" or similar living space. Each unit contains basic amenities such as washer/dryer unit. The plan complies.

4. Off-street Parking

- 4.1. **Residential Parking Requirement.** §6.1.A establishes the minimum parking rates for the residences based on the number of bedrooms in each unit; 1.0 parking space per studio and one-bedroom dwellings and 1.25 spaces are required for each two-bedroom unit. The building contains 24 one-bedroom units and 16 two-bedroom units resulting in a residential off-street parking requirement of 44 spaces. Parking may be provided in any combination of standard, compact, tandem, mechanical and valet. The proposed off-street parking facility provides 38 spaces in a triple mechanical stacker with one level below grade, and six, standard, surface spaces, including two compact spaces and two accessible spaces, for a total of 44 spaces. **Although the plan complies with the minimum required number of spaces, the applicant should provide testimony as to how the spaces will be assigned and managed as each stacker will contain vehicles from different tenants and accessible spaces must be reserved for eligible users.**



- 4.2. **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 seven Make Ready EV charging spaces are required. All six surface spaces are designated as EV charging spaces and one space within the stacker system is designated for a total of seven spaces. The plan complies.
- 4.3. **Loading.** A loading zone shall be located within the building, if feasible, otherwise one external loading area shall be located on Avenue C per §6.I.F. **There is no loading space designated in the building or on Avenue C. A design exception is required.**
- 4.4. **Driveway.** The development is permitted to have one driveway from Avenue C that is limited to 22 feet in width (not including curb radii) and centered in the middle of the block, per §6.I.D. The parking facilities are accessed via 22-foot-wide, two-way driveway on Avenue C that is roughly centered at the mid-point of the block. The plan complies.
- 4.5. **Pedestrian Warning System.** An audible and visual pedestrian warning system is recommended to be installed at the garage entrance on Avenue C.
- 4.6. **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 and the architectural plans indicate the location of numerous security cameras within the garage and at the garage entrance. The plans do not indicate any ventilation intake or exhaust locations serving the garage. **The applicant shall provide testimony as to any additional 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.**
- 4.7. **Minimum Bicycle Parking.** Pursuant to §6.I.C, a minimum of 0.5 bicycle parking spaces per dwelling unit is required. There are 40 dwelling units, which requires 20 bicycle parking spaces. Bicycle parking is depicted within the garage near Stair #2 as two banks of stackable racks. The detail of the racks indicates each rack accommodates 10 bikes, with four racks specified in the detail. There is insufficient space in the location shown on the architectural plan to accommodate four racks. **The plans should be coordinated and the number of bike parking spaces provided noted on the plans. The plan complies.**

5. Streetscape

- 5.1. **Streetscape Objective.** The streetscape design is intended to create a pedestrian friendly frontage along Avenue C, W. 48th and W. 49th Streets 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.
- 5.2. **Sidewalk and Curb Replacement.** Existing sidewalks and curbs within the right-of-way and immediately adjacent to the redevelopment area shall be reconstructed or repaired as necessary (see §6.3.B.1). New sidewalks are encouraged to be replaced with pavers or decorative scoring and permeable pavers used in the Tree Zone. The site plan indicates all curb and sidewalk along the property's street frontages to be replaced with new concrete curb and sidewalk. A 12-foot-wide, stamped concrete sidewalk, in a 2 x 6 running bond pattern is proposed in the Clear Zone along Avenue C. This transitions to an approximately



- eight-foot width on W. 48th Street. A five-foot-wide, stamped concrete sidewalk in a 6" x 12" brick running bond pattern is proposed in the Tree Zone along Avenue C. This transitions to an approximately three-and-a-half-foot width on W. 48th Street. A three-foot-wide, stamped concrete sidewalk in a 3' x 3' grid pattern is proposed in the Frontage Zone along Avenue C. Along W. 49th Street, the plan depicts a portion of the curb and sidewalk to be replaced to match the existing sidewalk grid. The plan complies.
- 5.3. **On-street Parking Replacement.** Parallel parking spaces within the right-of-way and immediately adjacent to the redevelopment area are also required to be reconstructed or repaired as necessary per §6.3.B.1. The plans do not indicate new parking space striping along the Avenue C property frontage on either side of the new driveway. **The site plan should be revised to indicate the new on-street parking layout along Avenue C.**
 - 5.4. **Minimum Sidewalk Widths.** Along Avenue C, the combined width of the sidewalk Frontage and Clear Zones is required to be at least 7.5 feet wide with a Tree Zone of five feet in width (see §6.3.C.1). On W. 48th Street there are only Frontage Zone and Tree Zone sidewalks, each a minimum of five feet in width. The sidewalk widths on Avenue C comply, however the width of the Tree Zone on W. 48th Street is only three-and-a-half feet wide. **A design exception is required, however given the proximity to the intersection with Avenue C, we recommend granting the exception to the Frontage Zone as proposed by the applicant.**
 - 5.5. **Street Furnishings.** Seating is required as part of the streetscape improvements in the Redevelopment Plan along with bicycle racks and trash cans (see §6.3.B.6). Multi-sensory wayfinding for the vision and hearing impaired should be included in the sidewalk design (see §6.3.D.3) **The site plan does not indicate any furnishings or wayfinding signage. We recommend that the applicant comply with the redevelopment plan requirements.**
 - 5.6. **Street Trees.** The Tree Zone on Avenue C is required to contain shade trees, spaced 35 to 45 feet apart, taking into consideration the location of any required sight triangle area, with a tree grate installed at the surface that is flush with the sidewalk per §6.3.B.5. Three different shade trees are proposed as street trees along the Avenue C street frontage, centered on the length of the street frontage. This puts a tree within 15 feet of each side of the driveway. **An alternative layout is recommended where trees are located at least 25 feet from either side of the driveway. This also allows for a distance of at least 25 feet from the existing driveway on Lot 1. A third tree may be installed approximately 30 feet from W. 48th Street. A design exception for minimum spacing is recommended to provide three trees without compromising visibility at the driveway entrance.**
 - 5.7. **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. **The planting detail specifies the use of tilled and loosened native soil backfill, rather than a Silva Cell type system. The use of native soils is not recommended. The plans should be revised to specify a Silva Cell or CU Structural Soil system.**
 - 5.8. **Plant Sizes.** The plant schedule indicates an insufficient height for street trees and does not specify a minimum branching height. **Street trees should be at least 12'-14' in height (2½ - 3 inches in caliper) with a minimum branching height of seven feet. Additionally, shrubs needed to be sized and the root type specified.**



6. Lighting

- 6.1. **Street Lighting.** Street lighting is required to conform with the municipal street lighting standards (see §6.4.B). Currently, there is no street lighting on Avenue C or the property's W. 48th and W. 49th Street frontages. No street lighting is proposed. **A potential design exception may be required. Building mounted lighting may be able to be used to illuminate the sidewalk; the applicant's appropriate professional should provide testimony on lighting adequacy.**
- 6.2. **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). **The lighting plan does not include any lighting associated with the roof terrace. A recessed, ceiling mounted fixture is indicated at the entrance to the electric equipment room, but no photometric information is shown and it does not appear from the elevations that a ceiling fixture would be used here. Additionally, the lighting plan notes that "D" type fixtures at alleys, side and rear yards will be motion activated, except there are no "D" type fixtures included in the lighting schedule or noted on the plan. The plans should be coordinated and include a full photometric plan, details and provisions for either motion or timer operation to ensure compliance with the regulations.**
- 6.3. **Pedestrian Lighting.** Pursuant to §6.4.C, 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 the Avenue C façade at 10 feet above grade. This provides an average level of illumination in the Clear Zone of about 2 footcandles, except where the new sidewalk abuts the existing driveway on Lot 1. **Additional information is required in order to determine full compliance.**
- 6.4. **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 been specified as 4,000°K but does not indicate the CRI. **Additional information is required to determine compliance.**

7. Recreation, Open Space, Landscaping and Fences

- 7.1. **Open Space and Recreation Facilities.** Pursuant to §6.8, a minimum 15% of the total lot area shall consist of open space and recreation facilities. Qualifying green roofs may be credited toward meeting open space requirements. 1,871 sf. is required. A 1,070 sf. roof terrace is provided as well as a 2,270 sf. vegetated green roof. The plan complies.
- 7.2. **Roof Terrace Orientation.** Any rooftop terrace shall have exposure and views to the north, south, west, and/or east, but not only to the north (see §6.3.F.15). The roof terrace is oriented to provide views and exposure in all four directions. The plan complies.
- 7.3. **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. Neither the site or architectural plans depict any plantings on the roof



- terrace. There is a planter along the building's W. 48th Street façade that wraps just around to the corner of the Avenue C frontage. Another planter is located adjacent to the driveway entrance. No planters or accent plantings are provided at the building's main entrance. **A design exception is required; however, we believe that the applicant should comply with this standard, particularly with respect to plantings on the roof terrace. This office recommends the integration of planters into the Avenue C Frontage Zone at the building entrance. Encroachment of permanent physical structures, rather than just movable planters, may require additional approval by the City Council.**
- 7.4. **Plant Species.** Pursuant to §6.6.C, accent plantings shall be hardy, native or adaptive species that are drought tolerant and able to thrive in an urban environment. The plants specified to be used in the planters include weigelia, boxwood, spirea and cranberry. Spirea is a non-native, invasive species. The locations of boxwood, weigelia and cranberry are not ideal based on light and maintenance requirements. We are happy to work with the applicant to recommend plant species best suited to the planter locations as well as soil mix and irrigation requirements.
- 7.5. **Fences.** §6.5.A restricts fencing from being located in any front yard or along a property line abutting a street, but is permitted within 10 feet of the right-of-way line. Walls and fences are permitted to a maximum height of six feet and must be fully opaque. There is a six-foot-high, solid, PVC fence enclosing the yard area on W. 49th Street. The fence is set at the property line with a double gate centered on the street frontage. **A design exception is required to permit the fence to be located at the street line and within a front yard.**
8. **Sustainable Design**
- 8.1. **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.G.1. **The applicant has not provided a LEED worksheet or other documentation to meet this requirement.**
- 8.2. **Green Roof.** §6.9.G.2 requires 25% of the aggregate area of all rooftops to be developed as green roofs. There is a total of approximately 10,000 sf. of roof area on the proposed building, requiring at least 2,500 sf. of green roof. There is a 2,270 sf. green roof on the main building roof and a 332 sf. green roof on the one story section of building on W. 49th Street for a total of 2,602 sf. or 26%, of green roof area proposed. The plan complies.
- 8.3. **Green Roof Details.** A qualifying green roof must be a vegetated or living roof, comprised of an engineered roofing system that supports a planting medium which enables the growth of specialized drought-tolerant plants such as grasses, sedums, and wildflowers that require little irrigation beyond rainfall, but shall be supplemented with irrigation obtained directly from a rainwater collection system integrated into the building (see §6.9.G.1.B). The proposed green roofs are a "Hydrotech InstaGreen Carpet" system which meets the requirement; however, the site plan does not specify a method of irrigation. **Additional information is required to determine compliance.**



9. **Building Design**

- 9.1. **Redevelopment Plan Building Design Requirements.** Pursuant to §6.2.A, the intent and purpose of the Redevelopment Plan is to produce a development that is complementary to the existing neighborhood in terms of use and design, and to enhance the streetscapes along Avenue C, W. 48th and W. 49th Streets. Architectural styles and elements should be complementary to the historic architectural context of the neighborhood and along the Avenue C corridor. Precedent images of buildings in the neighborhood used as inspiration for the architectural style and elements are required to be submitted to the Planning Board per §6.2.F.6. **Although the applicant has not included precedent images with its submission materials, it has worked conscientiously with our office to adhere to the building design elements of the redevelopment plan. While a design exception is technically required, we have no objection to it being granted.**
- 9.2. **Building Materials.** Pursuant to §6.2.B, the design of the building will require the use of high quality materials that are characteristic of the existing neighborhood as indicated in Figures 3 through 6. Of particular note is the textural aspects of the historic materials of the noteworthy building on Avenue C. Primary exterior building materials shall be masonry, except for fenestration (see §6.2.F.9) with high-quality, durable, decorative materials incorporated into the ground floor façade along the street frontage (see §6.2.F.8). The building design uses brick, cement stucco, cast stone and porcelain tile. Brick is used as the base material for the primary façades, as well as for a projecting step soldier course cornice. Cast stone is used for windowsills, accent bands and decorative plaques. The plan complies.
- 9.3. **Color Palette.** Buildings shall be designed using a color palette that complements the architectural context of the surrounding area and include traditional and durable colors like beige, tan, terra cotta, brick red, cast stone, neutral colors and natural stone in light gray, beige, and tan (see §6.2.F.7). The proposed building uses red and gray brick, “Manor White” and “Super White” stucco and white cast stone. The plan complies.
- 9.4. **Building Entrances.** §6.2.F.12 requires entrances to be designed to be attractive and functional. Indicators such as awnings, changes in sidewalk paving materials, changes in height incorporating stairs, or any other indicator consistent with the design, proportions,



Illustration 3. Architectural Elevation of Rear (south) of Proposed Building



Illustration 4. Architectural Elevations of East Side (left) and West Side (right) of Proposed Building

material and character of the adjacent areas shall be encouraged. Projections, appurtenances and architectural features are permitted to extend up to four feet into the vertical plane established by the rights-of-way of Avenue C and West 48th Street (see §5.7.H). The building's main entrance is distinguished from the rest of the base façade by material and color changes and a canopy that projects approximately three feet into the Avenue C right-of-way. Approval of the encroachment into the right-of-way of Avenue C is required by City Council, and will be required as a condition of any approval. The plan complies.

- 9.5. **Continuity.** Pursuant to §6.2.F.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. §6.2.F.5 prohibits blank or featureless walls and all buildings shall contain a distinctive base, middle, and top (see §6.2.F.4). the building exhibits a distinctive base, middle and top. All building façades are designed to be consistent in quality and finish. The garage space does not have penetrations on the lower level in order to reduce noise and fumes that could otherwise affect the adjacent apartment owners. Instead, this garage face features pilasters with inset, vertically scored, stucco. Above this level, the apartments have the same design as the rest of the building. We note that the width of the one-story part of the building appears to be incorrect, and should be revised. The plan complies.

10. Solid Waste, Mechanical Equipment and Utilities

- 10.1. **Trash and Recycling.** Pursuant to §6.9.D.2, a recycling and refuse plan, showing the operations, manuals, pickup, and estimated trash volume shall be provided during site plan review. The site plan includes a recycling and refuse plan that includes estimated trash volume, operations and route of travel for internal and exterior disposal. The plan complies.

- 10.2. **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. There are three separate locations on the roof where HVAC condenser pads will be located. Each is located at least 10 feet from a property line but no screening or acoustical buffer is noted. A ground level back-up generator is proposed in the southeast corner of the property, abutting W. 49th Street. It is unclear if any acoustical buffering is provided here, however its location is prohibited by §6.9.E.6. **The plans should be revised to indicate the height of the HVAC equipment and pads, screening and buffering of all rooftop HVAC and mechanical equipment, including garage ventilation system components, and the generator in order to determine compliance with the requirements. A design exception will be required to permit the ground level generator adjacent to the W. 49th Street right-of-way if it stays in this location.**
- 10.3. **Meters.** An electric transformer is located in the southeast corner of the property, between the W. 49th Street right-of-way and the one-story part of the building, which houses the electrical equipment room. It is unclear if the electric meters are to be installed within the electrical equipment room. Gas meters are noted to be located on the exterior of the electrical equipment room. The building elevations do not depict the gas meters along this wall. It is unclear if there is sufficient wall length to accommodate the 40+ gas meters without extending above the fence enclosing this area. **Additional information is required. There is also the appearance of multiple gas meters from the street, which should be addressed,**

11. Signs

- 11.1. **Sign Package.** §6.7.F requires a sign package indicating the size, dimensions, location, illumination, material, and color of all permanent signs be provided upon submission of site plans for Planning Board approval. **The applicant has not provided a sign package with its site plan application. The architectural elevations depict at least three separate signs on the Avenue C frontage in addition to a street address sign over the main entrance but, no other details are provided.**

VARIANCES AND DESIGN EXCEPTIONS

12. CONSIDERATION OF THE VARIANCES AND DESIGN EXCEPTIONS

- 12.1. **Context for Review of 'C' Variances.** The following sections summarize the "C" variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the "C" variances. The applicant must justify the "c" variances separately and each variance must satisfy both parts. We defer to the Board Attorney for any additional comment on the "C" variance criteria.



A. **Consideration of the Positive Criteria.** To satisfy the positive criteria for a “C” variance, the applicant has two choices. First, known as “-c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:

- By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

Alternatively, and known as “-c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- Where in an application or appeal relating to a specific piece of property to purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

B. **Consideration of the Negative Criteria.** Should the applicant satisfy the positive criteria, it must also be demonstrated that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan.

- Impact to the public health, safety and welfare. Impact to the public, typically relates to any substantial detriment to the adjoining neighbors or within the surrounding neighborhood. Substantial detriments are usually nuisance related, such as noise, dust, trash, parking, traffic, visual distraction, light, runoff and aesthetics that cannot be adequately mitigated.
- 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 Redevelopment Plan.

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.

12.2. **Context for Review - Design Exceptions:** The Board may also grant deviations from site plan standards, often referred to as “design exceptions”. These criteria are distinguished from variances, as they are not deviations from requirements related to use or other zoning criteria, but rather from the ordinance requirements for site plans (and subdivisions). These deviations are generally evaluated pursuant to N.J.S.A. 40:55D-51.b, which states:

“The planning board when acting upon applications for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.”

This standard is similar to a ‘-c(1)’ variance, except that the applicant is not required to demonstrate that there will be no substantial detriment to the public good or impairment of the intent and purpose of the zone plan (negative criteria). The applicant should identify the degree to which the requirements are impracticable/cause hardship and also what peculiar site conditions might exist that prevent compliance.

PLANNING POLICIES

13. RELEVANT PLANNING POLICY

13.1. **Master Plan Goals.** The 2000 Master Plan for the City of Bayonne includes goals which are relevant to the Board’s consideration of this application. Furthermore, the following issues and objectives can be found in the 2017 Master Plan Reexamination Report:

- *Provide for adequate parking to serve established residential and commercial areas. Incorporate adequate parking into new developments (page 8).*
 - *Parking has still been a significant issue today within the City, especially within the residential areas. There is an ordinance that allows parallel parking in front of driveways to maximize on-street parking. Parallel parking in residential areas is still a significant issue. The City divided many neighborhoods into zones for on street parking in response to the impact of commuter vehicles into residential areas. The City created the residential permit parking areas “to alleviate and restrict the unfavorable parking conditions outside the flow of commuter traffic to said residential neighborhoods” As stated under the Parking and Permits section of the Bayonne Website. However[,] the City can also issue parking permits to those who work but do not live within the City. These people are assigned a permit and can only park in their designated parking zone (page 30).*
- *Provide a broad range of housing to meet the needs of all residents including low and moderate income housing, middle-income housing and market rate or luxury housing (page 15).*

APPLICATION INFORMATION

14. APPLICANT / OWNER / PROFESSIONALS

14.1. **Applicant/Owner.** John and Maryan, LLC, 140 Bleeker Street, Jersey City, NJ 07307.

14.2. **Attorney.** Michael Miceli, Esq., Prime, Tuvel & Miceli, 1 Evertrust Plaza, Suite 1202, Jersey City, NJ 07302. Tel: 201-399-0137. Facsimile: 856-273-8383. Email: mike@primelaw.com



14.3. **Architect and Engineer.** Al Sambade, RA, PE, DAL Design Group, 11 W. 8th Street, Bayonne, NJ 07002. Tel: 201-823-0779. Email: daldesgrp@aol.com

15. MATERIALS REVIEWED

15.1. *City of Bayonne Application for Development Form*, with attachments, dated November 11, 2025.

15.2. *Statement of Applicant*, undated.

15.3. *City of Bayonne Certificate of Completeness Review*, dated December 24, 2025.

15.4. *Preliminary and Final Major Site Plan for Residential Development*, prepared by Al Sambade, RA, DAL Design Group, RA, not signed or sealed, dated October 10, 2025 and last revised April 26, 2026, consisting of 16 sheets.

15.5. *Map of Survey of Property Located at Lots 2 and 3, Block 64, City of Bayonne, Hudson County, NJ*, prepared by Joseph Caufield, PLS, Caufield and Associates, LLP, dated August 10, 2022, consisting of one sheet.

15.6. *Waste Management Operation*, prepared by DAL Design Group, dated October 22, 2025.

15.7. *Stormwater Management Report*, prepared by DAL Design Group, dated September 30, 2025.

16. RELIEF REQUIRED

16.1. Variances:

§5.7.G.1 – Roof terrace buffer

16.2. Design Exceptions:

§6.1.F – Loading space

§6.3.C.1 - Minimum width of Tree Zone – W. 48th Street

§6.3.B.6 – Street furnishings

§6.3.D.3 – Wayfinding signage

§6.3.B.5 – Street tree spacing and use of planting media/Silva Cells

§6.4.B - Street lights

§6.5.A - Fencing

§6.6.C - Plantings at entrances and rooftops

§6.2.F.6 – Architectural precedent images

§6.9.E.6 – Location of mechanical equipment

Note that additional information is required for the on-street parking layout along Avenue C, exterior lighting, green roof design, LEED consistency, mechanical screening and signage in order to determine compliance with those Redevelopment Plan requirements. Additional variances or design exceptions may be identified by the Board or the other



professionals employed by the Board during testimony. The same applies to the conditions of approval.

17. CONDITIONS OF APPROVAL

- 17.1. Affordable Housing Fees.** In accordance with state law, a non-residential development impact fee for affordable housing will be required to be paid at the time of building permit issuance. As a condition of approval, any required residential affordable housing fees required by the City ordinance should be paid. Presently, no residential fee is required.
- 17.2. Adherence to the Professional Review Reports.** Any approval should be conditioned on meeting the requirements in this report and the other professionals of the Board.

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

- Cc. Alicia Losonczy, Land Use Administrator
Richard Campisano, Esq., Planning Board Attorney
Greg Valesi, PE, CME, Planning Board Engineer
Sue Mack, PP, AICP, CTP, FITE, AHP, City Planner
Joseph Skillender, Esq., Dir. of Planning, Zoning and Development
Tracey Tuohy, Zoning Officer
Andrew Raichle, PE, Redevelopment Engineer
Applicant's Team Members

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