

NOTICE: WAIVER REQUESTS MADE IN CONNECTION WITH THIS APPLICATION FOR DEVELOPMENT MUST BE SO INDICATED AND WRITTEN JUSTIFICATION OF THE REQUEST MUST BE PROVIDED.

APPLICATION FORM

TYPE OF APPROVAL REQUESTED:

<input type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Development Permit
<input type="checkbox"/> Waiver	<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Development Permit Waiver
<input type="checkbox"/> Minor	<input type="checkbox"/> Sketch Plat	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Preliminary	<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Unimproved Road
<input type="checkbox"/> Final	<input checked="" type="checkbox"/> Final	<input type="checkbox"/> Major Site Plan
<input type="checkbox"/> Certificate of Nonconformity		

Variances: Use [] Bulk (c) [] (a) [] (b) []

1. Location of proposed development: 105-119 Avenue B, Bayonne, New Jersey 07002

Block: 91, Lot(s): 11 Zone District: R-2 Detached/Attached Residential District

Proposed use: 105-119 Avenue B: Synagogue (same as current use)
120 West 43rd Street: Single-family home (same as current use)

The existing lot is 18,750 sq. ft. and contains a synagogue and a single-family home. The Applicant proposes subdividing the lot into two (2) separate lots - one 14,730 sq. ft. lot for the synagogue and one 4,020 sq. ft. lot for the single-family home.

Lot Area: 105-119 Avenue B: Lot Area: 18,750 sq. ft. Proposed area: 14,730 sq. ft.
120 West 43rd Street: Lot area: 18,750 sq. ft. Proposed area: 4,020 sq. ft.

Number of off-street parking spaces: 105-119 Avenue B: Existing: 0 Proposed: 0
120 West 43rd Street: Existing: 0 Proposed: 0

Area (*in feet*) of any adjoining property controlled by owner: 0

2. Name of Applicant: Temple Beth AM Phone No. (201)-858-2020

Address: 111 Avenue B, Bayonne, New Jersey 07002

Name of Owner: Murray Blackstone, Member of Board of Directors

Phone No. (551)-655-4100

Address: 111 Avenue B, Bayonne, New Jersey 07002

3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:

Applicant's Attorney: Christopher Vitale, Esq.
O'Halloran & Vitale
27 West 8th Street, Bayonne, NJ 07002
(201) 437-5436 / Fax: (201) 437-5154

Applicant's Architect: Stephen M. Kawalek, RA, PP
Kawalek & Kawalek Architects, LLC
764 Avenue C, Bayonne, New Jersey 07002
(201) 437-0648

4. List any other expert who will submit a report or who will testify for the Applicant: TBD

All reports prepared in support of testimony should be submitted ten (10) days in advance of the public hearing.

5. Attach a detailed explanation (*Statement of the Applicant*) of the exact nature of the application and the changes to be made at the premises, including the proposed use of the premises.

6. Attach a copy of the proposed Notice to appear in the Jersey Journal / Star Ledger and to be mailed to the owners of all real property as shown on the property list obtained from the Tax Assessor, of the homeowners within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Board Secretary for the hearing.

An affidavit of service on all property owners and a proof of publication must be filed before the application will be complete and the hearing can proceed.

7. Dates and types of prior development applications for this property: None

Type of Use Proposed: _____ Change in occupancy utilizing existing facilities
_____ Addition(s) or expansion of existing facilities
_____ All new construction
_____ Site work only
 _____ Other (minor subdivision)

Present use: Synagogue and Single-family home (on single lot).

Proposed use: 105-119 Avenue B: Synagogue (separate lot)
120 West 43rd Street: Single-family home (separate lot)

Number of Employees N/A Business hours N/A

PROPERTY INFORMATION:

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:
Yes [attach copies] _____ No Proposed _____

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

Present use of the premises: Synagogue and Single-family home (on single lot).

Is a public water line available? Yes

Is public sanitary sewer available? Yes

Are any off-tract improvements required or proposed? No

Is the subdivision to be filed by Deed or Plat? Deed

What form of security does the applicant propose to provide as performance and maintenance guarantees? As required by Land Use Administrator

Other approvals, which may be required and date plans submitted:

	Yes	No	Date Plans Submitted
Passaic Valley Sewage Commissioners	___	<u>X</u>	_____
Bayonne Municipal Utilities Authority	___	<u>X</u>	_____
_____ Bayonne/Hudson County Health Dept.	___	<u>X</u>	_____
_____ Hudson County Planning Board	___	<u>X</u>	_____
_____ Hudson County Soil Conservation District	___	<u>X</u>	_____
NJ Department of Environmental Protection	___	<u>X</u>	_____
Sewer Extension Permit (TWA)	___	<u>X</u>	_____
Sanitary Sewer Connection Permit	___	<u>X</u>	_____
Stream Encroachment Permit	___	<u>X</u>	_____
Waterfront Development Permit	___	<u>X</u>	_____
Water Extension Permit	___	<u>X</u>	_____
Wetlands Permit	___	<u>X</u>	_____
Tidal Wetlands Permit	___	<u>X</u>	_____
Other (specify) _____	___	<u>X</u>	_____
NJ Department of Transportation	___	<u>X</u>	_____
Public Service Electric & Gas Company	___	<u>X</u>	_____

DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed. *[Attach pages as necessary to fully comply.]*

Name: N/A Address: _____ Interest _____ (nonprofit religious institution)

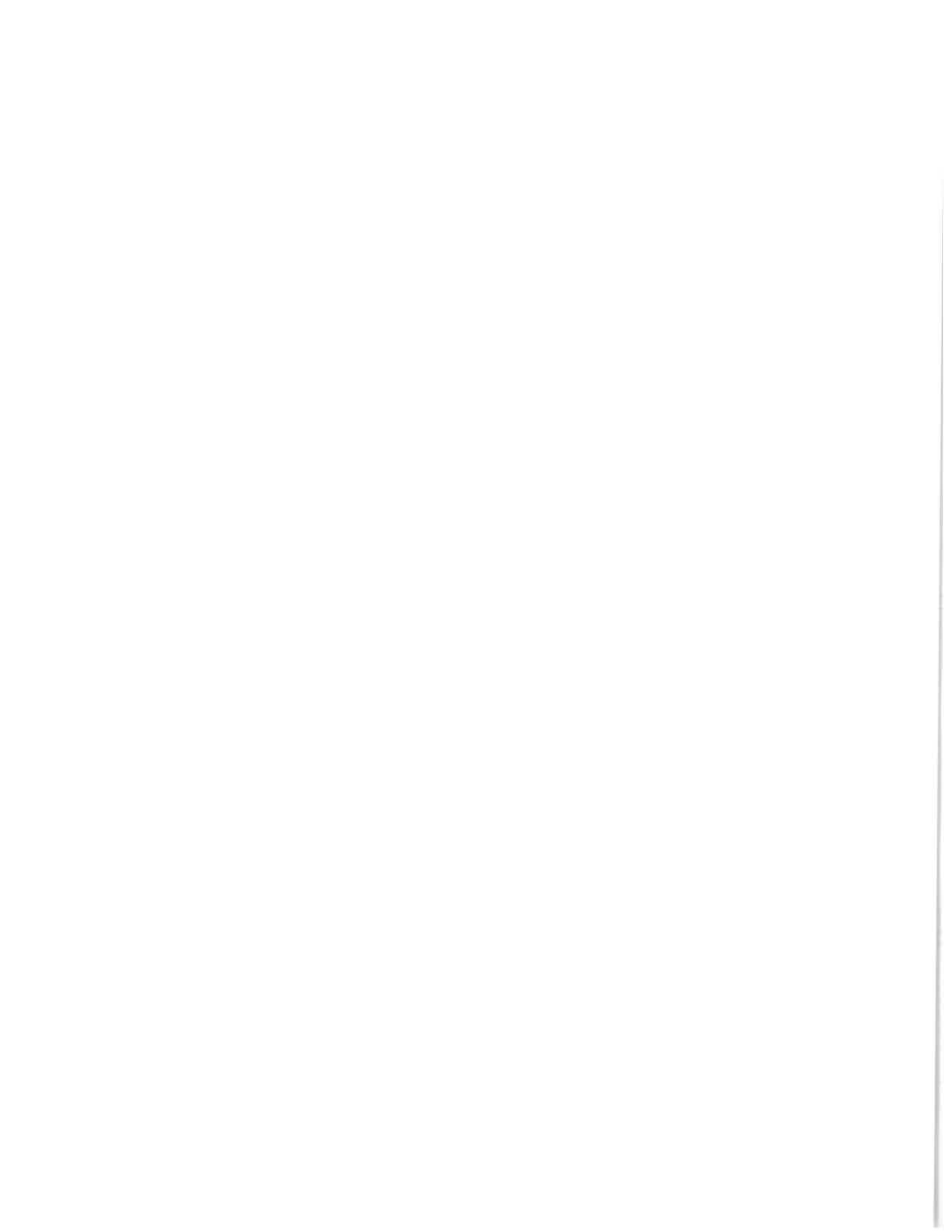
Murray Blackstone, Member of Board of Directors
111 Avenue B, Bayonne, New Jersey 07002

Applicant's Signature(s):

Temple Beth AM

A handwritten signature in black ink, appearing to read 'Murray Blackstone', written over a horizontal line.

By
Murray Blackstone, Trustee



VARIANCE RELIEF

1. Application is hereby made for:

_____ Hardship or practical difficulties (See N.J.S.A. 40:55D-70c)

_____ Use and/or structure (See N.J.S.A. 40:55D-70d) – Conditional Use (Religious Institution)

2. Property Description:

Lot size: Approx. 18,750 sq. ft.

Lot Coverage of Buildings: 12,183 sq. ft (synagogue) / 1,236 sq. ft. (single-family home)

No. of stories: 1

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested: 35-5.3(d)(2) Conditional Uses, Religious Institutions (35-5.28(1)(a) Minimum Lot Area for Religious Institution); 35-5.3(e)(2) Minimum Lot Frontage; 35-5.3(e)(4) Minimum Rear Yard Setback, 35-5.3(e)(5) Minimum Side Yard Setback; 35-5.3(e)(3) Minimum Front Yard Setback; 35-17 Off-Street Parking (single-family home); 35-17.6(b)(2) Off-Street Parking for Church or Temple; and any other approvals, variances and relief that may be necessary as identified by the Zoning Board for the purpose of subdividing the existing lot consisting of a synagogue and single family-home into two (2) separate lots – one for the synagogue and one for the single-family home.*

4. If this application includes both a use variance and either a site plan, subdivision, flood plain permit or conditional use relief, then indicate which of the following is presently being sought by the applicant:

_____ Applicant is presently only seeking the use variance with the subsequent relief to be considered following the granting of the use variance (bifurcate the application).

_____ Applicant is presently seeking all of the necessary relief.

5. Has there been a previous variance appeal or approval of any development application, i.e., site plan, subdivision or conditional use involving the premises? Yes _____ No X

If so, attach copies of previous approvals and/or state the date, application number, character of appeal and disposition:

6. If the application is made for a bulk variance, explain the following:

How will the strict application of the provisions of the ordinance result in practical difficulties or hardship inconsistent with the general purpose or intent of the ordinance?

If the zoning ordinance were to be strictly enforced, then the proposed subdivision would not be possible due to the existing non-conforming nature of the property. Consequently, the Applicant would continue to be burdened by the upkeep, maintenance, and management of the

single-family home on the property – a home it no longer needs or has the ability or resources to maintain going forward.

What are the exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property which do not apply generally to other properties in the same zone or neighborhood?

The property is unique in that it is the only synagogue in the neighborhood and also contains a single-family home. Upon viewing the property, it is clear that the portions of the lot dedicated to the synagogue and the single-family home are distinctly separate. In fact, most people would likely conclude that the property already consists of two separate lots. The intent of the Applicant is merely to memorialize the current, “de facto” division of the lots.

Explain what efforts have been made by the applicant to acquire adjoining lands so as to reduce the extent of the variance or eliminate the necessity for a variance.

Neighboring properties are not for sale and the acquisition of same would not benefit the proposed subdivision.

Explain how the proposed variances can be granted:

- a. without substantial detriment to the public good: The Applicant is not proposing any changes to the existing uses of the property. In other words, the synagogue and single-family home will continue to exist and be used for those purposes following the proposed subdivision. Therefore, the requested bulk variances, if granted, would not result in a substantial detriment to the public good (as the “status quo” would be largely maintained).
- b. without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan: As stated above, the property currently consists of both a synagogue and a single-family home. The proposed subdivision will not change the foregoing uses of the property—rather, it will only serve to formally acknowledge those separate historic uses of the property. Accordingly, the intent and purpose of the ordinance would not be impaired by approving the subdivision.

7. If the application is made for a use variance, explain the following:

- a. How the proposed use can be granted without substantial detriment to the public good.

The synagogue is a conditional use (religious institution) requiring a minimum lot area of 20,000 sq. ft. The existing lot is only 18,750 sq. ft. However, only approx. 14,730 sq. ft. of the lot is used in connection with the synagogue – the rest is allocated to the

single-family home. Therefore, reducing the already-nonconforming lot size of the synagogue by formal subdivision will in no way affect the operations of the synagogue or the use of the property in general.

b. How the proposed use can be granted without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance.

The proposed use (synagogue) is also the current use – no change in use is proposed. Therefore, there will be no substantial impairment to the intent or purpose of the ordinance.

c. List the “special reasons” presented by the application.

Historically, the single-family home was occupied by the synagogue’s former Rabbi. However, since the Rabbi retired, the Applicant has no need for the home and it has become a burden on the Applicant and a strain on the Applicant’s limited resources.

d. List here any “hardship” related to the nature of the land and/or the neighborhood and which prevents reasonable utilization of the property for any permitted use.

The Applicant has no use for the single-family home on the property, nor does it have the means to continue to manage and maintain the home. If the Applicant is unable to subdivide the lot, then the single-family home will continue to be unoccupied and will fall into further disrepair.

8. List all witnesses expected to testify:

Murray Blackstone (Member of the Board of Directors); Stephen M. Kawalek (Architect & Planner)

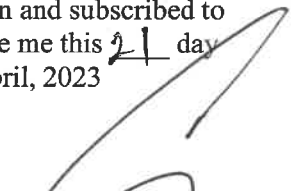
9. Waivers requested of Development Standards, powers or exemptions from N.J. RSIS and/or Submission Requirements: *[attach additional pages as needed]*

N/A


CERTIFICATIONS

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the corporate applicant and that I am authorized to sign the application for the corporation or that I am a general partner of the partnership applicant.

Sworn and subscribed to
before me this 21 day
of April, 2023



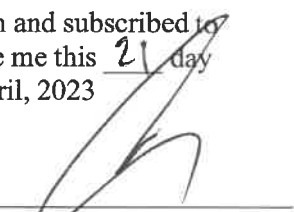
Christopher D. Vitale
Attorney at Law
State of New Jersey




Murray Blackstone, Trustee

I certify that I am the Owner of the property which is the subject of this application and that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

Sworn and subscribed to
before me this 21 day
of April, 2023




Christopher D. Vitale
Attorney at Law
State of New Jersey



Murray Blackstone, Trustee

I understand that I must submit escrow money in an amount to be determined by the Administrative Officer or his/her designee in accordance with §32-9.2 of the City of Bayonne Land Subdivision and Site Plan Ordinance, which amount will be deposited into an escrow account. I further understand that the escrow account is established to cover the cost of professional services including engineering, planning, legal and other expenses associated with the review of submitted materials and the publication of the decision by the Board. Sums not utilized in the review process shall be returned. If additional sums are deemed necessary, I understand that I will be notified of the required additional amount and shall add that sum to the escrow account within fifteen (15) days.

Date: April 21, 2023



Murray Blackstone, Trustee