

**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 FOR DEVELOPMENT FORM**

**TYPE OF APPROVAL REQUESTED:**

<input checked="" type="checkbox"/> Site Plan	<input 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 checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Unimproved Road
<input checked="" type="checkbox"/> Final	<input type="checkbox"/> Final	<input checked="" type="checkbox"/> Major Site Plan
<input type="checkbox"/> Certificate of Nonconformity		

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

1. Location of proposed development: 38 East 25<sup>th</sup> Street, Bayonne, New Jersey

Block 191 Lot(s) 6 Zone District R-M HIGH DENSITY RESIDENTIAL DISTRICT within the TRANSIT DEVELOPMENT OVERLAY DISTRICT (TDO)

Proposed use: Applicant proposes to construct a 3-story building consisting of 5 residential units. One unit on the ground floor and two units on each remaining floor, floors 2 and 3.

Lot Area 3,642.50 SF Building area (sq. ft total) 5,206 SF  
Number of off-street parking spaces Four (4)  
Area (in feet) of any adjoining property controlled by owner 0

2. Name of Applicant: 38 EAST 25 LLC Phone No. 908-392-3209

Address: 20 E. 51<sup>st</sup> Street, Bayonne, New Jersey 07002

Email: heshamenterprisellc@gmail.com

Name of Owner: 38 EAST 25 LLC Phone No. 908-392-3209

Address: 20 E. 51<sup>st</sup> Street, Bayonne, New Jersey

Email: heshamenterprisellc@gmail.com

**3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:**

Applicant's Attorney: Paul Kapish, Esq.

Kiczek & Kapish, LLC

Address: 707 Broadway, Bayonne, New Jersey 07002

Telephone Number: 201-437-8787

Fax Number: 201-437-2329

E-mail Address: paul@kiczeklaw.com

Applicant's Architect: Ahmed A. Emara, AIA, NCARB, LEED GA

Emara Ghobrial Architects

Address: 1050 Wall St West, Suite 645, Lyndhurst, NJ

Telephone Number: 201 342 3086

Fax Number:

Email Address: Ahmed@eg-architects.com

Applicant's Civil Engineer: Hesham M. Kammoura  
S.A.M. Consulting Engineers, LLC  
Address: 203 North 14<sup>th</sup> Street, Kenilworth, New Jersey 07033  
Telephone Number: 908-750-5911  
Fax Number:  
Email Address: hesham@samconsulting.org

Applicant's Traffic Engineer: Lee Klein  
Klein Traffic Consulting, LLC  
Address: 156 Walker Road, West Orange, New Jersey 07052  
Telephone Number: 973-985-3464  
Fax Number:  
Email Address: lee@kleintraffic.com

4. List any other expert who will submit a report or who will testify for the Applicant: *[Attach additional sheets as may be necessary]* 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  
     X   All new construction  
              Site work only  
              Other

Present (or previous) use: Currently two (2) family residential building.

Proposed use: Three (3) story building consisting of 5 residential units. One unit on the ground floor and two units on each remaining floor, floors 2 and 3.

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.*

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? N/A

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.]*

N/A.

**VARIANCE RELIEF**

1. Application is hereby made for:

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

\_\_\_\_\_ Use and/or structure (See N.J.S.A. 40:55D-70d)

2. Property Description:

Lot size 3,642.50 SF

Size of Building: 5,206

No. of stories: 3

3. This request for variance relief consists of (*list sections of the Ordinance from which variance is requested*) : RM High Density Residential District requirements:

1. Minimum Lot Frontage (width) 75 feet, the property has a pre-existing non-conforming lot frontage (width) of 25 feet.

2. Minimum Side Yard Setback 3 feet, combination of both sides 6 feet, the proposed plans provide for a side yard set back of 0 feet

3. Minimum Lot Area is 1,000 square feet per unit (5 units x 1,000 = 5,000 sf), the subject lot is 3,642.50 square feet

4. Maximum Lot Coverage is 70%, the proposed plans provide for 93.5%

5. Parking Standards require 1.25 spaces per 2 bedroom unit (4 – 2 BR units = 5 spaces), and 1 space per 1 bedroom unit (1 – 1 BR unit = 1 space) for a total of 6 spaces of off-street parking, the proposed plan includes 4 spaces,

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).

X \_\_\_\_\_ 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 X No

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

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 impractical difficulties or hardship inconsistent with the general purpose or intent of the ordinance?

The ordinance requires minimum lot frontage of 75 feet; however, this lot is, and has been, 25 feet, therefore a strict adherence to the ordinance would create impractical difficulty and hardship not permitting anything to be built.

The ordinance requires a Minimum Side Yard Setback 3 feet, combination of both sides 6 feet, the proposed plans provide for a side yard setback of 0 feet. The total of 6 feet on a 25 foot wide lot would create a building which would only be 19 feet wide.

The ordinance requires a Minimum Lot Area of 1,000 square feet per unit (5 units x 1,000 = 5,000 sf), the subject lot is 3,642.50 square feet. Strict application of the ordinance would significantly limit the building on the property in a high density district. Additionally, the general purpose in section 35-1.2 h is to promote and encourage a broad range of housing choices and residential growth, and 35-1.2 g is to use creative development and design techniques to promote a desirable visual environment.

The ordinance allows Maximum Lot Coverage of 70%, the proposed plans provide for 93.5%. Strict application would significantly limit any improvement on this property, for example, the current coverage is 100%. The proposed plan is 93.5% lowering it by 6.5% closer to the ordinance.

Parking Standards require 1.25 spaces per 2 bedroom unit (4 – 2 BR units = 5 spaces), and 1 space per 1 bedroom unit (1 – 1 BR unit = 1 space) for a total of 6 spaces of off-street parking, the proposed plan includes 4 spaces; however, this would result in impractical difficulties and hardship inconsistent with the general purpose and intent of the ordinance. Additionally, the site is within easy walking distance of the 22<sup>nd</sup> Street Light Rail Station and busses and will, therefore, attract professional “commuter” tenants who will contribute to community and further the intent of the ordinance.

If the ordinances are strictly enforced, the applicant will be unable to construct the type of building that is encouraged in this zone and designed to meet the intent of the ordinance.

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 directly behind the subject property is a school, and more specifically, a parking lot for the school. The property adjacent to the subject property is a six (6) story building. The property across the street is a large housing development. Additionally, there is a funeral home two lots away and a church 4 lots from the subject property. The building currently on the property does not fit in with the changing development surrounding the property whereas, the proposed building is more suited to the newer development. The subject property is uniquely situated to present a multi-family building to the area which will promote and encourage a broad range of housing choices and residential growth, and uses creative development to design and promote a desirable visual environment in a high density zone.

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.

The applicant reached out to an adjoining property owner who was not interested in selling the adjoining property.

Explain how the proposed variances can be granted:

- a. without substantial detriment to the public good: There will be no detriment to the area or the public good by granting the requested variances. Rather, the applicant is seeking to fulfill the intent set forth in the ordinance but requests the five (5) variances mentioned above in order to accomplish the proposed development. Applicant's proposed improvements serve to benefit the public good by adding to the range of housing choices in the area and promoting residential growth in this high density zone.
- b. without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan: Applicant's proposed project does not impair the intent and purpose of the ordinance. In fact, applicant's proposed improvements fulfill the intent and purpose of the ordinance by adding to the range of housing choices in the area and promoting residential growth in this high density zone. The proposed project also uses creative development to promote a desirable visual environment in this high density zone.

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.

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

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- c. List the "special reasons" presented by the application.

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- 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.

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8. List all witnesses expected to testify:

See Attached

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


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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.

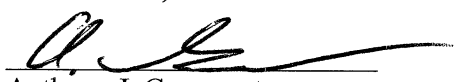
Sworn and subscribed to  
before me this 14<sup>th</sup> day  
of December, 2023


  
\_\_\_\_\_  
Anthony J. Geremonte  
Attorney at Law  
State of New Jersey

  
\_\_\_\_\_  
Hesham El-Dewak, Member

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 14<sup>th</sup> day  
of December, 2023

  
\_\_\_\_\_  
Anthony J. Geremonte  
Attorney at Law  
State of New Jersey

  
\_\_\_\_\_  
Hesham El-Dewak, Member

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: December 14<sup>th</sup>, 2023

  
\_\_\_\_\_  
Hesham El-Dewak, Member



## STATEMENT OF THE APPLICANT

This is an application for preliminary and final major site plan approval involving multiple bulk variances. The Applicant proposes to construct a new, a 3-story building consisting of 5 residential units. One unit on the ground floor and two units on each remaining floor, floors two and three. The proposed use conforms to the uses permitted within the R-M High Density Residential District which is within the Transit Development Overlay District. The proposed project also requires several variances including parking and bulk requirements in the District.

The property to be developed is located at 38 East 25<sup>th</sup> Street (Block 191, Lot 6). The property is a rectangular-shaped vacant lot directly abutting 25<sup>th</sup> Street, having a width of 25 feet and runs approximately 145 feet deep. The proposed project embraces the intent of the purpose of the Zoning Regulations of the City of Bayonne by using creative development and design techniques to promote a desirable visual environment, to promote and encourage a broad range of housing choices and residential growth, especially in a high density district. Additionally, the proposed project fits the growing and changing surrounding area by replacing an eyesore with a new building which promotes additional housing choices in this high density district.

The subject property is currently a single family home among large residential development and commercial spaces. The Applicant proposes plans to replace the single family home with the construction of a three story, multi-family building consisting of 5 residential units designed to be consistent with the intent of the Zoning Code, as well as in the best interest of the neighborhood.

The Applicant's proposed plan conforms to City Ordinances relating to use. The Applicant's proposed plan conforms to City Ordinances relating to the bulk requirements, except for the side yard setback, minimum lot frontage, minimum lot area, maximum lot coverage, and parking. The requested variances do not burden or negatively affect the

residents of the nearby area (or the City, in general) in any way. The development and improvement of the underused lot, in fact, serves to improve the neighborhood by beautifying the area and making a more intelligent use of the property.

In sum, Applicant's proposed site plan, including the approval of bulk variances will only serve to enhance the area. Additionally, the Applicant contends that the proposed project furthers the intent and purpose of the purpose of the Zoning Regulations of the City of Bayonne.