

**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 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) [  ] (a) [  ] (b) [  ]

---

1. Location of proposed development 161 Broadway, Bayonne, New Jersey 07002

Block: 330 Lot(s): 12 Zone District: Zone C-1 – Neighborhood Commercial District;  
Broadway Business District Area per 8<sup>th</sup> Street Station Rehabilitation Area Plan

Proposed use: Three-story, mixed-use building consisting of one ground floor commercial unit and two duplex residential units (one spanning the rear of the first and second floors and one spanning the front of the second floor and entire third floor).

Lot Area: Approx. 2,420 sq. ft Building area: Approx. 6,056 sq. ft

Number of off-street parking spaces: 0

Area (*in feet*) of any adjoining property controlled by owner: Approx. 2,900 sq. ft.

2. Name of Applicant: 161 Broadway LLC Phone No: (201) 858-1812

Address: 165 Broadway, Bayonne, New Jersey 07002

Name of Owner: Christopher Cocchi Phone No: (201) 858-1812

Address: 165 Broadway, Bayonne, New Jersey 07002

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

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

Applicant's Architect: Victor Malerba  
Malerba Architecture PLLC  
Address: 1032 76th Street, Brooklyn, NY 11228  
Telephone Number: (917) 859-2652

3. 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.**

4. 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.

5. 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

Present (or previous) use: Mixed- use building (vacant) consisting of one commercial unit and one residential unit on the first floor and two (2) residential units on the second floor.

Proposed use: Three-story, mixed-use building consisting of one ground floor commercial unit and two duplex residential units (one spanning the rear of the first and second floors and one spanning the front of the second floor and entire third floor).

Number of Employees: N/A Business hours: N/A

**PROPERTY INFORMATION:**

Restrictions, covenants, easements, association by-laws, existing or proposed on the property:

*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.*

Yes [attach copies]  No  Proposed

Present use of the premises: Mixed- use building (vacant) consisting of one commercial unit and one residential unit on the first floor and two (2) residential units on the second floor.

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**

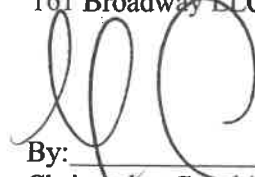
Pursuant to N.J.S. 40:55D-48.1, the names and addresses of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns 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.]*

Name: Christopher Cocchi

Address: 165 Broadway, Bayonne, New Jersey 07002

Applicant's Signature(s):

161 Broadway LLC

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a smaller 'C' and a horizontal line extending to the right.

By: \_\_\_\_\_  
Christopher Cocchi, Sole Member

## 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)

2. Property Description:

Lot size: Approx. 2,420 sq. ft. Lot Coverage of Building: Approx. 1,694 sq. ft. (70%)

No. of stories: 3 (proposed)

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested: 35-5.8(a)(10) Permitted Use; 35-5.8(e)(2) Minimum Lot Frontage; 35-5.8(e)(5) Minimum Sideyard Setback; 35-17 Off-street Parking; and any other approvals, variances and relief that may be necessary as identified by the Zoning Board for the purpose of developing a three-story, mixed-use building consisting of one ground floor commercial unit and two duplex residential units (one spanning the rear of the first and second floors and one spanning the front of the second floor and entire third floor).*

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?

The property is located on lower Broadway in the Bergen Point section of the City and is currently an outdated and unsightly eyesore in a district that the City has designated as an area in need of upscale development, commerce, and beautification. The property is located within easy walking distance of the 8<sup>th</sup> Street Light Rail Station and is therefore prime for residential development. The project, if approved, will likely attract "commuter" tenants who will primarily rely on public transportation to travel to and from work. The project embraces the intent of the 8th Street Station Area Rehabilitation Plan by providing street-level commercial space while providing transit-oriented, multi-family housing in close proximity to the Light

Rail system. If the ordinance were strictly enforced, then the District's parking requirements alone would prevent the Applicant from developing the site into a mixed-use property, thereby frustrating the intent of both the Neighborhood Commercial District and the 8<sup>th</sup> Street Station Rehabilitation Area Rehabilitation Plan.

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 located in-block on Broadway, where curb cuts are not permitted, and is sandwiched between two existing buildings. Accordingly, it is not reasonably possible to meet the Ordinance's parking requirements (or to accommodate parking at all) at the property. However, given the proximity of the property to the Light Rail system and other transportation options (e.g., bus lines), the lack of parking will not have a material impact on the City's parking situation.

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 neighboring property to the south is not for sale and would not eliminate the need for a parking variance in any case. The property to the north is already owned by the Applicant and also would not eliminate the need for a parking variance.

Explain how the proposed variances can be granted:

- a. without substantial detriment to the public good: The Applicant's proposed development only serves to benefit the public good as it will further the "commuter" focused and commercial intent of the area and promote the beautification and professionalization trend occurring along Broadway generally, and in Bergen Point specifically. The project will also create quality housing stock in close proximity to the Light Rail system, thereby promoting the intent of the 8<sup>th</sup> Street Station Area Plan.
- b. without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan: The Applicant's proposed project falls in-line with the very intent of the District, i.e., providing office and retail space fronting Broadway. The proposed residential units make further intelligent and appropriate use of the property by making the enterprise economically feasible and providing housing in an area in need of quality rental inventory.

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 only use variance required by the Applicant is for the bedroom floor of the rear duplex residential unit, which occupies the ground floor of the building behind the commercial unit. Given the tight dimensions of the property, locating a portion of the duplex apartment on the ground floor is the only practical use of the property without expanding the commercial unit to an unreasonable size (given the location of the property and commercial trends along Broadway 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 Applicant is maintaining commercial retail space along Broadway, while the portion of the rear duplex apartment on the first floor will not be noticeable from the street. Additionally, the proposed project will actually result in a less dense use of the property by reducing the overall number of units at the property, as well as the overall number of bedrooms.

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

The City will benefit from the proposed addition as the building will provide quality housing stock near the 8<sup>th</sup> Street Light Rail Station while still maintaining commercial retail space along Broadway. The project will also aesthetically enhance the area.

- 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.

If the Applicant is unable to construct the proposed project at the site, then the building will remain a vacant, outdated eyesore with an uninhabitable ground-level apartment, unattractive to potential commercial and residential tenants and in danger of falling into further disuse (which would certainly frustrate the intent of the both the District and the 8<sup>th</sup> Street Station Rehabilitation Area Plan).

8. List all witnesses expected to testify:

Christopher Cocchi (Member of Applicant); Victor Malerba, Jr., RA (Architect)

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

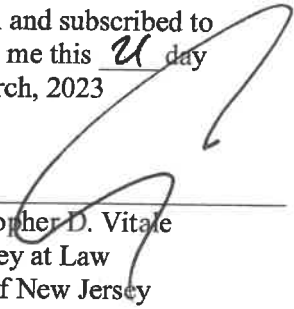
N/A




**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.

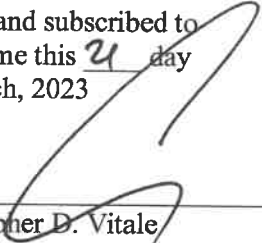
Sworn and subscribed to  
before me this 21 day  
of March, 2023

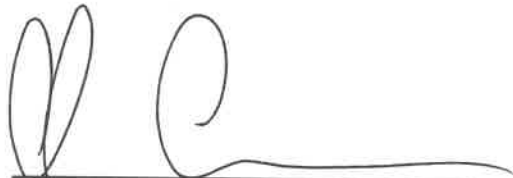
  
\_\_\_\_\_  
Christopher D. Vitale  
Attorney at Law  
State of New Jersey

  
\_\_\_\_\_  
Christopher Cocchi, Sole 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.

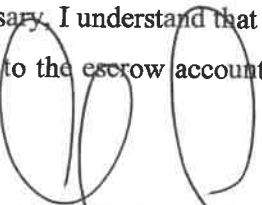
Sworn and subscribed to  
before me this 21 day  
of March, 2023

  
\_\_\_\_\_  
Christopher D. Vitale  
Attorney at Law  
State of New Jersey

  
\_\_\_\_\_  
Christopher Cocchi, Sole 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: March 21, 2023

  
\_\_\_\_\_  
Christopher Cocchi, Sole Member