

A-4

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

CITY OF BAYONNE APPLICATION FORM

Date of Submittal of Application: April 30, 2021

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 checked="" type="checkbox"/> Minor	<input type="checkbox"/> Sketch Plat	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Major	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Unimproved Road
<input checked="" type="checkbox"/> Preliminary	<input type="checkbox"/> Final	<input type="checkbox"/> Amnesty Program
<input checked="" type="checkbox"/> Final	<input type="checkbox"/>	<input type="checkbox"/> Certificate of Nonconformity

Variances: Parking Variance, Bulk Variance, Design Exception and/or Submittal Waiver Approvals

1. Location of proposed development 1049 Broadway, Block 45, Lot 24 (the "Property")
 Zone District Uptown Business District
 Proposed use Ground level – any permitted retail/commercial use
 Lot Area See plans Building Area See plans
 Number of off-street parking spaces 0
 Area (in feet) of any adjoining property controlled by owner NA

2. Name of Applicant EG USA, LLC c/o Yakov Krayn
 Address 325 W 86th St., Apt. 2A, New York, NY 10024
 Phone c/o Michael Miceli, Esq. 201-403-1100 Email mmiceli@weiner.law
 Name of Owner Same as Applicant Phone _____

3. APPLICANT’S ATTORNEY AND EXPECTED WITNESSES

Applicant’s Attorney Weiner Law Group LLP Michael Miceli, Esq.
 Address 629 Parsippany Rd., Parsippany, NJ 07054
 Telephone Number 973 403 1100
 Email mmiceli@weiner.law amrizzuto@weiner.law

Applicant’s Engineer/Architect and Planner Al Sambade, PE, AIA, PP
 Address DAL Design Group
11 West 8th Street, Bayonne, NJ 07002
 Telephone Number 201 823 0799

4. List any other expert who will submit a report or who will testify for the Applicant. *[Attach additional sheets as may be necessary.]*

Name Applicant will revise if applicable
Field of Expertise _____
Address _____
Telephone Number _____

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

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. See attached.

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.

To be supplied.

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. Applicant will comply.

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. Applicant will comply.

7. Dates and types of prior development applications for this property.

No prior approvals were received in response to OPRA requests filed on Applicant's behalf.

Type of Use Proposed _____ Change in occupancy utilizing existing facilities
_____ Addition or expansion of existing facilities
_____ All new construction
_____ Site work only
 X Other: Change of use

Present (or previous) use Vacant ground level; Three-unit residential building

Proposed use Ground level – any permitted retail/commercial use
Upper floors – continue permitted residential units

Number of Employees TBD Business hours TBD

PROPERTY INFORMATION:

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

Deed Attached Yes Restrictions None known Proposed None

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 Ground level residential unit is vacant.

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?
Bond, letter of credit, cash or as otherwise permitted by law.

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

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

DISCLOSURE STATEMENT- Ownership of Applicant

Pursuant to N.J.S.A. 40:55D-48.1 and 40:55D-48.2, below is a list of the names and addresses of all persons owning 10% or more interest in the Applicant entity.

See attached disclosure.

WEINER LAW GROUP LLP
Attorneys for Applicant, EG USA, LLC

By: 
Anne Marie Rizzuto, Esq.

Date signed: April 30, 2021

VARIANCE RELIEF

1. Application is hereby made for: Bulk variance, design exception and submission waiver approvals, as necessary.

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 Area See plans Size of Building Area See plans Number of stories Three

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested)* Variance for number of required parking spaces under Section 35-17.6
for the purpose of converting the non-conforming ground level use of the building to a permitted retail/commercial use.

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.

NA Applicant is presently only seeking the use variance with the subsequent relief to be considered following the granting of the use variance.

NA Applicant is presently seeking all of the necessary relief. *(Bifurcate the application).*

4. 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 _____ None known X

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

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

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

See attached Statement of Applicant. Testimony to be provided at hearing.

b. 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?

See attached Statement of Applicant. Testimony to be provided at hearing.

c. 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.

N/A

d. Explain how the proposed variances can be granted:
Without substantial detriment to the public good; and,
See attached Statement of Applicant. Testimony to be provided at hearing.

Without substantially impairing the intent and purpose of the Zoning Ordinance or Zone Plan.
See attached Statement of Applicant. Testimony to be provided at hearing.

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;
NA

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

c. List the “special reasons” presented by the application; and,
NA

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.
NA

8. List all witnesses expected to testify.
The Applicant’s professionals will testify about the details of the Application. The Applicant
reserves the right to present other witnesses at the hearing.


9. Waivers requested from Development Standards, powers or exemptions from N.J. RSIS and/or
Submission Requirements.
The Applicant requests any applicable approvals, design exceptions and/or submission waivers.

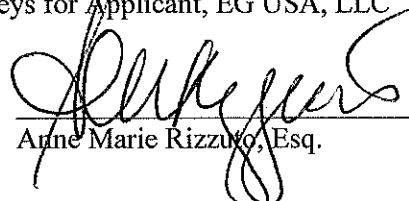
CERTIFICATIONS

I certify that the foregoing statements and the materials submitted are true to the best of my knowledge. I further certify that I am authorized to sign the application for the Applicant.

Sworn and subscribed before me on this 30th day of April, 2021

WEINER LAW GROUP LLP
Attorneys for Applicant, EG USA, LLC


A Notary Public of New Jersey
ROBIN KRITIS
Commission # 2047125
Notary Public, State of New Jersey
My Commission Expires
June 30, 2023

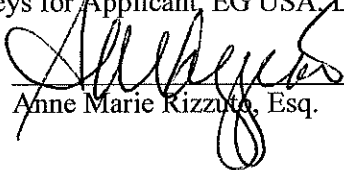
By: 
Anne Marie Rizzuto, Esq.

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.

Applicant is the Property Owner

I understand that the Applicant 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 direct the Applicant to add that sum to the escrow account within fifteen (15) days.

WEINER LAW GROUP LLP
Attorneys for Applicant, EG USA, LLC

By: 
Anne Marie Rizzuto, Esq.

Date signed: April 30, 2021

Applicant's Entity Ownership Disclosure

Name of Applicant: EG USA, LLC (the "Applicant")

Project Address: 1049 Broadway, Block 45, Lot 24, Bayonne, NJ (the "Property")

April 29, 2021

As required under *N.J.S.A. 40:55D-48.1*, the following persons own 10% or more of an interest in the Applicant entity.

Olga Egorova, 542 Clark Road, Paramus, NJ 07652

Dmitry Egorov, 542 Clark Road, Paramus, NJ 07652

STATEMENT OF THE APPLICANT

Name of Applicant: EG USA, LLC (the "Applicant")

Project Address: 1049 Broadway, Block 45, Lot 24, Bayonne, NJ (the "Property")

April 30, 2021

The Applicant is seeking preliminary and final major site plan approval, bulk (c) variances including a parking variance and all applicable design exception and submittal waiver approvals. The Property is located within the Uptown Business District where first floor retail/commercial with residential dwelling units above is permitted. The current building at the Property consists of one three-story building containing three (3) residential dwelling units, each occupying one floor. The Applicant proposes to eliminate the non-conforming ground floor dwelling use and convert it into a permitted retail/commercial use. The ground level apartment is approximately 565 square feet in size.

The Applicant will install a new commercial front door and storefront window at the ground level, as depicted on the plans. The Applicant will rehabilitate the interior of the ground level unit and will make all other improvements depicted on the plans.

The second-floor dwelling unit is approximately 815 square feet in size with one bedroom. The third-floor dwelling unit is approximately 810 square feet in size with one bedroom. There are existing non-conformities for lot frontage (45 feet required, 36 feet existing) and lot area (3,000 sf existing, 1,600 sf existing).

The Applicant requires a (c) variance related to parking. The City Code require three (3) off-street parking spaces and zero (0) spaces are provided. The variance should be granted because there is no possibility of providing parking. The Property is bound on three sides by existing buildings. The Property does not have enough side yard to create a driveway. The Property presents a practical hardship; parking cannot be provided on the site unless the building is demolished.

The Applicant requests any and all approvals applicable to the Application and the filed plans. The benefits of the required relief substantially outweigh any detriments. The proposed changes will bring the Property into conformance with the uses of the zone, thereby improving the neighborhood's aesthetic, creating a desirable visual environment and injecting vibrancy and activity into this area of Broadway.

This project and the requested relief will not substantially impair the intent and purpose of the City's zone plan. The proposed use will not adversely affect the area, which promotes foot traffic and is located near to bus and light rail mass transit thereby negating many of the parking needs. Additional testimony will be provided at time of hearing. For the reasons set forth above, the Applicant respectfully requests that the Planning Board approve this application.