

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

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

1. Location of proposed development 398 Broadway
Block 226 Lot(s) 44 Zone District CBD
Proposed use : Mixed use
Lot Area 2,516 sf Building area (sq. ft total) 2,727
Number of off-street parking spaces 0
Area (in feet) of any adjoining property controlled by owner _____

2. Name of Applicant: 398 Broadway, LLC Phone No. 1-201-339-0924
Address: 398 Broadway E-mail: firm@RMWlawfirm.com
Name of Owner: Same Phone No. _____
Address: _____ E-mail: _____

3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:

Applicant's Attorney Raff, Masone & Weeks, P.A.
Address 1083 Avenue C, Bayonne, New Jersey 07002
Telephone Number (201) 339-0924
Fax Number (201) 339-0250

Applicant's Engineer _____
Address _____
Telephone Number _____
Fax Number _____

Applicant's Planning Consultant: Stephen Kawalek, RA, PP
Address 772 1/12 Broadway, Bayonne, NJ 07002
Telephone Number 201-437-0648
Fax Number 201-535-8676

Applicant's Traffic Engineer _____
Telephone Number _____
Fax Number _____

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 _____
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.

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

Present (or previous) use: Mixed use

Proposed use: Mixed use

Number of Employees _____ Business hours _____

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: Mixed use

Is a public water line available? Y

Is public sanitary sewer available? Y

Are any off-tract improvements required or proposed? N

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

What form of security does the applicant propose to provide as performance and maintenance guarantees? _____

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 <u>Luis Choa</u>	Address <u>1061 Kennedy Blvd. Bayonne</u>	Interest <u>100%</u>
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____
Name _____	Address _____	Interest _____


Signature of Applicant

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 2,516 sf Size of Building: 25' x 72' - 10" No. of stories: 2

3. This request for variance relief consists of (*list sections of the Ordinance from which variance is requested*): See zoning chart

for the purpose of _____

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

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 impractical difficulties or hardship inconsistent with the general purpose or 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?

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.

Explain how the proposed variances can be granted:

- a. without substantial detriment to the public good _____

- b. without substantially impairing the intent and purpose of the Zoning Ordinance or
 Zone Plan _____

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.

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

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

- 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.

8. List all witnesses expected to testify:

 Stephen Kawalek, RA, PP

 Luis Ochoa, Principal

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

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.

[If the owner is a corporation an authorized corporate officer must sign this application. If the owner is a partnership a general partner must sign this application.]

Sworn and subscribed to before me this 21st day of March, 2024

Helene Galgano
A Notary Public of New Jersey
Helene Galgano
Notary Public
State of New Jersey
My Commission Expires on May 2, 2026

Sevin Vchoo
Signature of Applicant

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.

[If the owner is a corporation an authorized corporate officer must sign this application. If the owner is a partnership a general partner must sign this application.]

Sworn and subscribed to before me this 21st day of March, 2024

Helene Galgano
A Notary Public of New Jersey
Helene Galgano
Notary Public
State of New Jersey
My Commission Expires on May 2, 2026

Sevin Vchoo
Signature of Owner

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: 3/21/24

Sevin Vchoo
Signature of Applicant