

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:

_____ Site Plan	_____ Minor Subdivision	_____ Development Permit
_____ Waiver	_____ Major Subdivision	_____ Development Permit Waiver
_____ Minor	_____ Sketch Plat	_____ Conditional Use
_____ Preliminary	_____ Preliminary	_____ Unimproved Road
_____ Final	_____ Final	_____ Major Site Plan
_____ Certificate of Nonconformity		

Variances: Use ☐ Bulk (c) ☒ (a) ☐ (b) ☐

1. Location of proposed development 33 East Second Street
Block 371 Lot(s) 2 Zone District R-2 (Detached/Attached Residential)
Proposed use Detached two (2)-family dwelling

Lot Area 3,179 SF Building area (sq. ft total) Existing: 1,700 SF; Proposed: 3,302 SF
Number of off-street parking spaces 3
Area (*in feet*) of any adjoining property controlled by owner Not applicable

2. Name of Applicant: 177 3rd St LLC Phone No. (973) 643-2409
c/o Matthew P. Posada, Esq.
Address: Sills Cummis & Gross PC, The Legal Center E-mail: MPosada@sillscummis.com (w/ copy to JKoodray@sillscummis.com)
One Riverfront Plaza, Newark, New Jersey 07102
Name of Owner: The Applicant is the property owner Phone No. ---
Address: --- E-mail: ---

3. APPLICANT'S ATTORNEY AND EXPECTED WITNESSES:

Applicant's Attorney Matthew P. Posada, Esq. - Sills Cummis & Gross PC
Address The Legal Center, One Riverfront Plaza, Newark, New Jersey 07102
Telephone Number (973) 643-2409 Fax Number (973) 643-6500
E-mail Address MPosada@sillscummis.com (w/ copy to JKoodray@sillscummis.com)

Applicant's Engineer Joseph N. Bachi, PE, CME - EKA Associates, P.A.
Address 328 Park Avenue, Scotch Plains, New Jersey 07076
Telephone Number (908) 322-2030 Fax Number (908) 322-0505
E-mail Address JBachi@EKAAssociates.com

Applicant's Planning Consultant TBD
Address _____
Telephone Number _____ Fax Number _____
E-mail Address _____

Applicant's Traffic Engineer Not applicable
Address _____
Telephone Number _____ Fax Number _____
E-mail Address _____

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 Jorge P. Fernandes, RA - CREARC LLC

Field of Expertise Architect

Address 75 Parkhurst Street, Newark, New Jersey 07114

Telephone Number (201) 628-4695

Fax Number: - - -

E-mail Address: CrcarcLLC@gmail.com

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. **See attached "Statement of the Applicant"**

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. **See attached DRAFT "Notice of Public Hearing"**

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 known to the Applicant

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: One (1)-family residential dwelling

Proposed use: Two (2)-family residential dwelling

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: One (1)-family residential dwelling

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? TBD

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

	Yes	No	Date Plans Submitted
Passaic Valley Sewage Commissioners	<u> </u>	<u>X</u>	<u> </u>
Bayonne Municipal Utilities Authority	<u> </u>	<u>X</u>	<u> </u>
<u> </u> Bayonne/Hudson County Health Dept.	<u> </u>	<u>X</u>	<u> </u>
<u> </u> Hudson County Planning Board	<u> </u>	<u>X</u>	<u> </u>
<u> </u> Hudson County Soil Conservation District	<u> </u>	<u>X</u>	<u> </u>
NJ Department of Environmental Protection	<u> </u>	<u>X</u>	<u> </u>
Sewer Extension Permit (TWA)	<u> </u>	<u> </u>	<u> </u>
Sanitary Sewer Connection Permit	<u> </u>	<u> </u>	<u> </u>
Stream Encroachment Permit	<u> </u>	<u> </u>	<u> </u>
Waterfront Development Permit	<u> </u>	<u> </u>	<u> </u>
Water Extension Permit	<u> </u>	<u> </u>	<u> </u>
Wetlands Permit	<u> </u>	<u> </u>	<u> </u>
Tidal Wetlands Permit	<u> </u>	<u> </u>	<u> </u>
Other (specify) <u> </u>	<u> </u>	<u> </u>	<u> </u>
NJ Department of Transportation	<u> </u>	<u>X</u>	<u> </u>
Public Service Electric & Gas Company	<u>X</u>	<u> </u>	<u>TBD</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>Elvin Javier</u>	Address	<u>1 Vermella Way, Apt. 1008, Union, NJ 07083</u>	Interest	<u>100%</u>
Name	<u> </u>	Address	<u> </u>	Interest	<u> </u>
Name	<u> </u>	Address	<u> </u>	Interest	<u> </u>
Name	<u> </u>	Address	<u> </u>	Interest	<u> </u>
Name	<u> </u>	Address	<u> </u>	Interest	<u> </u>
Name	<u> </u>	Address	<u> </u>	Interest	<u> </u>

Applicant's Signature(s)

Matthew P. Posada, Esq.

Attorney at Law

State of New Jersey

Matthew P. Posada, Esq. - Attorney for the Applicant

Indicate title if corporation or partnership **#068522013**

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 3,179 SF Existing: 1,700 SF
Size of Building: Proposed: 3,302 SF No. of stories: 2

3. This request for variance relief consists of *(list sections of the Ordinance from which variance is requested)*: Maximum Lot Coverage (Section 35-5.3.e): Permitted, 70%; Existing, 87.60%; Proposed, 93.23%. The Applicant also seeks to continue existing nonconforming conditions as detailed in the enclosed "Statement of the Applicant" and depicted on the Variance Plan.
for the purpose of conversion of an existing 1-family dwelling into a 2-family dwelling.

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. **The application involves the construction of a two (2)-family dwelling and is therefore exempt from site plan approval.*

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:

Unknown to the Applicant. The Applicant reserves the right to amend this response if new information is obtained.

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 Applicant is proposing a permitted use that will allow for the introduction of new, in-demand housing stock.

The benefits to granting the requested relief outweigh any perceived detriments. The property is able to accommodate

the proposed 2-family dwelling and the increase in lot coverage will not result in detrimental impacts to the neighboring parcels.

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 Applicant is seeking bulk variance relief based on the "flexible c(2)" standard, not based on hardship.

Granting the requested variance will advance the purposes of the MLUL and will outweigh any perceived detriment to the public good.

The Applicant will present the requisite expert testimony at the public hearing demonstrating its entitlement to the relief sought.

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.

Not applicable.

Explain how the proposed variances can be granted:

a. without substantial detriment to the public good The proposed use is permitted and any perceived
detriments can be ameliorated by the project plan.

b. without substantially impairing the intent and purpose of the Zoning Ordinance
or Zone Plan The proposed use is permitted and any perceived
detriments can be ameliorated by the project 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.

Not applicable. The proposed use is permitted.

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

Not applicable. The proposed use is permitted.

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

Not applicable. The proposed use is permitted.

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.

Not applicable. The proposed use is permitted.

8. List all witnesses expected to testify:

Joseph N. Bachi, PE, CME - EKA Associates, P.A.

Jorge P. Fernandes, RA - CREARC LLC

*Applicant reserves the right to amend or supplement this list in advance of or at the public hearing on this matter.

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

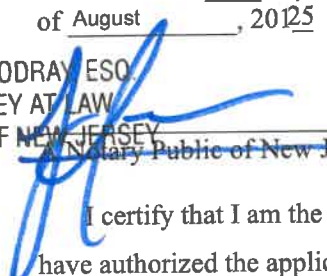
Not Applicable

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 18th day
of August, 20125

JOSHUA J. KOODRAY, ESQ.
AN ATTORNEY AT LAW
OF THE STATE OF NEW JERSEY

Notary Public of New Jersey

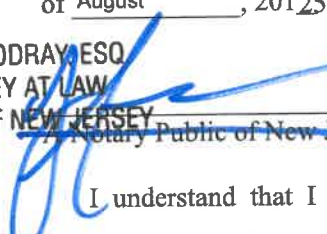
Matthew P. Posada, Esq.
Attorney at Law
State of New Jersey


Signature of Applicant #068522013
Matthew P. Posada, Esq. - Attorney for the 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 18th day
of August, 20125

JOSHUA J. KOODRAY, ESQ.
AN ATTORNEY AT LAW
OF THE STATE OF NEW JERSEY

Notary Public of New Jersey

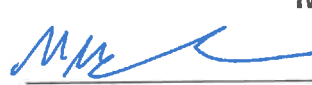
Matthew P. Posada, Esq.
Attorney at Law
State of New Jersey


Signature of Owner #068522013
Matthew P. Posada, Esq. - Attorney for the Applicant

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: August 18, 2025

Matthew P. Posada, Esq.
Attorney at Law
State of New Jersey


Signature of Applicant #068522013
Matthew P. Posada, Esq. - Attorney for the Applicant