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Narrative Statement of Applicant

239 Avenue E (the "Property") is an existing 3 residential unit building. 3-family houses are a permitted use in this zone. However certain bulk and parking variances are required to formally legalize this pre-existing use. The Property's current use is particularly well suited for the Property's location. It is surrounded by multi-family buildings and large apartment buildings. Across the street at 230-250 Avenue E are the "Skye Lofts", a 5-story 90 unit apartment building (per the tax records). Two houses down on the same side of the street, at 245-249 Avenue E, is a 5-story 20 unit apartment building. There are a number of other multi-family uses within a one block radius of the Property.

It appears that the Property was initially built with a commercial use on the first floor, and two residential units on the top two floors. The applicant believes that it has been in use as a 3 residential unit building since at least the early 2000's, and possibly longer, based on the age of the interior improvements as well as the prior owner's history as provided by the Zoning Officer from her file. However the applicant cannot at this time prove whether the current use has been continuous and un-abandoned since 1995. For this reason variances are requested rather than a certificate of non-conformity.

Parking Variance

The Applicant met with City officials for a TRC to discuss this application on November 29, 2023. At the meeting, the possibility of creating parking on the site was eliminated due to observations about the configuration of the building and concerns about creating a curb cut so near a busy intersection. Thus a parking variance is necessary. However the effects of this variance are mitigated by a few factors. First, the Property is pre-existing and thus legalizing its existing use won't add to the parking burden on the neighborhood, it would simply maintain the status quo. More importantly, the Property is located directly across the street from the lightrail station. Given the location of the Property near the lightrail, given its pre-existing nature, and given the impossibility of adding parking to the Property due to unique site conditions, it would be appropriate to grant a parking variance for this Property.

Bulk Variances

The proposal also requires certain bulk variances. However these are technical in nature and only necessitated by the pre-existing construction of the building, which pre-dates the zoning ordinances. As such, granting these bulk variances would be appropriate.