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Applicant: Hudson Property Holdings, LLP
Property: 40 E 5th St, Bayonne, NJ
BL: 342 / Lot: 18

Narrative Statement of Applicant

40 East 5th Street is a pre-existing 25' X 103.72 vacant lot in the R-2 zone. The applicant seeks to construct a 2-family house with three off-street parking spaces on this lot. Two would be in front of the garage and the third located within the garage.

Bulk Variance for Stories (But Not for Height)

Due to 2021 zoning ordinance changes to the definition of a story, a variance is required for construction of a typical 2-family house like the one proposed with a garage on the ground/first floor. This is because the first floor now counts as an entire floor and only 2.5 floors are allowed in this zone. What used to be considered 2.5 stories is now considered 3. Therefore applicant seeks a variance allowing its proposed construction of 3 stories instead of the 2.5 that is technically required in this zone. The City of Bayonne has taken the position in the past that this requires a bulk variance, not a use variance. It should be noted that the applicant does not require a height variance since the proposed construction will be 31.83' high and R-2 allows for up to 35' height. Furthermore the proposed construction will be of similar stories and character as other construction in the neighborhood.

Bulk Variances for Minimum Lot Width and Area

R-2 currently requires a 30' frontage for conforming lots and 3000 square feet of area. The subject property, at 25' X 104.51', is a pre-existing non-conformity. As can be seen by the tax map which is incorporated into the site plan, the need for a variance is mitigated by the fact that nearly every other lot on the same block as the subject property is also 25' wide. So the proposed construction would fit in well with the rest of the block, and without a variance, it would be impossible to build anything on this pre-existing non-conforming lot.

Bulk Variance for Parking Stall Width

In order to accommodate the stairway leading to the second floor while maintaining two parking spaces in front of the garage, the parking spaces must be compact-car sized (9' X 20' each). This requires a variance for parking stall size since the minimum stall width allowed in Bayonne is 10'. Applicant believes this does not impact the usability of the parking spaces and the benefit would be provided to the occupants in allowing the desired layout and floor sizes.