

CECININI LAW GROUP

1081 AVENUE C
BAYONNE, NJ 07002

201-354-9305
201-603-6614 FAX
OFFICE@CECININILAW.COM

PETER CECININI, ESQ.
LAUREN ROSS, ESQ.
JAMES BEGLIOMIINI, ESQ.

Narrative Statement of Applicant

393 Avenue C is a pre-existing non-conforming mixed-use building in the R-3 zone. The ground floor commercial storefront unit is currently vacant and has been vacant for some time. The applicant has found a tenant which would like to set up a small dental practice in the ground floor storefront unit. This practice would have one dentist and two support staff total. The Property currently has no off-street parking available to it. The applicant seeks to add three off-street parking spaces to the rear yard of the building.

Use Variance

Professional offices are not a permitted use in the R-3 zone, as such the applicant seeks a use variance to allow this use. The applicant purchased the Property on or about September 14, 2022. At the time of its purchase the storefront unit was vacant, but the seller told the applicant that before then it was being used as a clothing store (retail). It should be noted that there is already a dental office on this block, at 389 Avenue C, and a professional office is arguably a more beneficial use to the public than retail in this non-commercial district. And if the Board were to permit the applicant the use variance, it would turn an otherwise vacant storefront into an attractive and utilized space on Avenue C.

Parking Variance

As it stands 393 Avenue C has no off-street parking. As part of this application, the applicant seeks to add three parking spaces to the rear of the building. These parking spaces would be reserved for use by the professional office during business hours, 9-5 Monday through Friday and not including federal holidays. These spaces would be reserved for use by the residential tenants of the building during all other non-business hours. The applicant is willing to make these lease restrictions a condition of approval.

Although a parking variance is technically required, this is only due to the pre-existing non-conforming nature of this mixed-use building in a residential zone. No physical changes are being proposed to the building itself. The existing retail use requires zero off-street parking spaces. The proposed professional office use requires only two off-street parking spaces. So if the existing nature of the building is the baseline, then the applicant is actually adding one more parking space than is required by the change of use from retail to professional office use. And at the end of the day, the neighborhood would be gaining 3 off-street parking spaces that otherwise would not exist.

Landscape Buffer Variance

Finally the applicant has proposed adequate buffer landscaping between the proposed parking spaces and the neighboring lots. However due to its location on a corner and the small size of the rear yard, it is not possible to also add buffer landscaping between the proposed parking spaces and the sidewalk right of way. As such the applicant seeks a variance for landscape buffer in this area.