



City of Bayonne
DEPARTMENT OF MUNICIPAL SERVICES
DIVISION OF PLANNING & ZONING
MUNICIPAL BUILDING
630 AVENUE C
BAYONNE, NJ 07002
TELEPHONE: 201-858-6110 Fax: 201-858-6185
E-MAIL: TTuohy@BAYNJ.org



Exhibit - A-5
FLY JET SKI, LLC
Z-21-008
(09-20-2021 - akl)

JAMES M. DAVIS
Mayor

SENT VIA REGULAR MAIL AND EMAIL TO AMRIZZUTO@WEINER.LAW
June 24, 2021

Ms. Anne Marie Rizzuto, Esq.
Weiner Law Group, LLP
629 Parsippany Road
Parsippany, NJ 07054

Re: 50 Marina Drive
Block 47, Lot 8
Use of property by Fly Jet Ski for Jet Ski rentals

Dear Ms. Rizzuto:

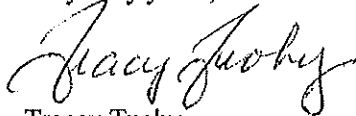
I am writing in response to our telephone conversation on June 23, 2021 with regard to your client's use at the above referenced property which is located in the R-3 Medium Density Residential District. The use as a Jet Ski rental business in the marina at this location is not a permitted use in this zone. Enclosed please find a copy of the zoning regulations which indicates permitted uses.

In July of 2002, the property owner made an application before the Bayonne Planning Board for site plan approval to redevelop the property located at North Lane and Schuyler Place West (renamed 50 Marina Drive) in the City of Bayonne which included Block 47, Lots 4, 5, 6 & 7. The application proposed market-rate housing, marina facility and a waterfront walkway and was approved. According to the resolution that was adopted on July 9, 2002, the existing marina was to be retained and upgraded with sixty-two (62) boat slips and a small boathouse along with the construction of a new public waterfront walkway. The Planning Board specifically found and determined that the existing site was currently used as a marina and boat storage area.

According to Section 33-2.2 of the City of Bayonne Planning and Development Regulations, a marina by definition, shall mean a facility for storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping and retail facilities for owners, crews and guests.

It is, therefore, my interpretation that a Jet Ski rental business is not a permitted use at this location and your client will need to put forth an application to the Zoning Board of Adjustment for major site plan review and approval as well as a use variance. I highly recommend that signage be included as part of your client's application. Upon review of a complete application and plans by the Board's professionals, it may be determined that additional relief is required. Please contact Alicia Losonczy, Planning Board/Zoning Board of Adjustment Secretary, at 201-858-6182 to begin the application process.

Very truly yours,



Tracey Tuohy
Zoning Officer

/t
Enclosures

cc: Mr. Michael Miceli, Esq.
Alicia Losonczy, Planning Board/Zoning Board of Adjustment Secretary

****Ordinance updated 11/10/2020. Waiting for a reprinted version****

35-5.4 R-3 Medium Density Residential District.

a. *Permitted Uses.*

1. Detached single-family dwellings.
2. Two-family detached dwellings.
3. One-family attached townhouses, with a minimum of two (2) and a maximum of six (6) dwelling units per structure. No more than one (1) unit shall be permitted on an individual lot.
4. Two-family attached townhouses, with a minimum of four (4) and a maximum of six (6) dwelling units per structure. No more than two (2) units shall be permitted on an individual lot.
5. Multiple family dwellings including three-to six-family dwellings and low rise apartment buildings.
6. Home occupations.
7. Family day care homes.
8. Essential services.

b. *Required Accessory Uses.*

1. Off-street parking subject to the provisions of Section 35-17.

c. *Permitted Accessory Uses.*

1. Private sheds and other structures customarily associated with a residential use.
2. Private swimming pools, subject to the provision of subsection 33-10.27.
3. Private parking garages for residential uses, not to accommodate more than three (3) automobiles per single-family dwelling nor more than four (4) automobiles per two-family dwelling or two-family townhouse.
4. Private parking garage for not more than one (1) commercial van or truck, not exceeding twelve thousand (12,000) pounds in gross weight and used exclusively by the occupants of the principal dwelling provided that all other off-street parking requirements are met.
5. Off-street parking areas for multifamily developments.
6. Recreation facilities associated with multifamily developments.

d. *Permitted Conditional Uses.* The permitted conditional uses shall comply with the conditional use requirements of Schedule II in subsection 35-5.28, Conditional Uses.

1. Religious institutions: churches, synagogues, mosques, temples, convents, rectories, etc.

2. Educational institutions: Private and public elementary schools.
3. Community residences for the developmentally disabled; community shelters for victims of domestic violence; community residences for the terminally ill and community residences for persons with head injuries.
4. Hospital facilities, and their customary accessory structures and facilities.
5. Accessory parking on lots abutting commercial zone districts.
6. Fraternal organizations, lodges, community centers and other similar quasi-public uses.
7. Public Utility facilities.

e. *Area, Yard and Structure Requirements.*

1. Minimum area:

Detached Single Family	3000 sq. ft. (interior lot)	4000 sq. ft. (corner lot)
Detached Double Family	3000 sq. ft. (interior lot)	4000 sq. ft. (corner lot)
Single family townhouse	2000 sq. ft. (interior lot)	3000 sq. ft. (corner lot)
Double family townhouse	2500 sq. ft. (interior lot)	3000 sq. ft. (corner lot)
Low Rise Apartments	1000 sq. ft. per unit	1000 sq. ft. per unit

2. Minimum lot fronting:

Detached Single Family	30 ft. (interior lot)	40 ft. (corner lot)
Detached Double Family	30 ft. (interior lot)	40 ft. (corner lot)
Single family townhouse	20 ft. (interior lot)	30 ft. (corner lot)
Double family townhouse	25 ft. (interior lot)	30 ft. (corner lot)
Low Rise Apartments	75 ft.	

3. Minimum frontage setback:

Detached Single Family	20 ft. (interior lot)	20 ft. (corner lot)
Detached Double Family	20 ft. (interior lot)	20 ft. (corner lot)
Single family townhouse	20 ft. (interior lot)	20 ft. (corner lot)
Double family townhouse	20 ft. (interior lot)	20 ft. (corner lot)
Low Rise Apartments	(none)	

4. Minimum rear yard setback:

Detached Single Family	20 ft. (interior lot)	20 ft. (corner lot)
Detached Double Family	20 ft. (interior lot)	20 ft. (corner lot)
Single family townhouse	20 ft. (interior lot)	20 ft. (corner lot)
Double family townhouse	20 ft. (interior lot)	20 ft. (corner lot)
Low Rise Apartments	20 ft. (interior lot)	20 ft. (corner lot)

Accessory Structure: 3 ft. (interior lot) 3 ft. (corner lot)
(all uses)

5. Minimum Side Yard Setback (all uses) 3 feet, except that the combination of both side yards must be at least 6 feet
- | | | |
|---------------------|------|------|
| Low Rise Apartments | none | none |
|---------------------|------|------|

Accessory Structure: 3 feet
(all uses)

6. Maximum structure height

Principal Use

Detached Single Family 35 feet and not exceeding two and one-half (2 1/2) stories.

Detached Double Family 35 feet and not exceeding two and one-half (2 1/2) stories.

Single family townhouse 35 feet and not exceeding two and one-half (2 1/2) stories.

Double family townhouse 35 feet and not exceeding two and one-half (2 1/2) stories.

Low Rise Apartments 40 feet, not exceeding 3 1/2 stories

Accessory Use

Low Rise Apartments 20 feet and not exceeding 2 stories

All other Uses 15 feet and not exceeding 1 1/2 stories

7. Maximum lot coverage of principal and accessory structure (none)

8. Floor Area Ratio

Low Rise apartments 1.5

All other Uses (none)

f. *Special Requirements.*

1. All applicants for development in this zone may opt to use "prevailing" building setback; front yard setback; side yard setback and/or rear yard setback in accordance with the following:

To establish "prevailing" setbacks for all or any of the above mentioned yard dimensions, the applicant must produce documentation, including:

(a) A map prepared by a licensed N.J. surveyor that shows existing lots around the subject application per the City of Bayonne Tax Maps.

(b) A table showing only lots in the same zone as the subject property and the intended measured dimensions to be reviewed by City officials.

(c) All lots within the entire City block on both sides of the street as the subject parcel should be shown in the table.

The "prevailing" setback dimensions shall be a measurement which exists for sixty-five (65%) percent of all existing lots. To further explain, sixty-five (65%) percent of all compatible structures must exhibit a dimension which equals or is less than the setback established for the proposed application.

If a prevailing dimension cannot be established, the standard setback dimension shall be utilized.

(Ord. No. O-01-19 § 8 [33-5.4]; Ord. No. O-011-18)