



City of Bayonne
DEPARTMENT OF MUNICIPAL SERVICES
DIVISION OF PLANNING & ZONING
MUNICIPAL BUILDING
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JAMES M. DAVIS
MAYOR

January 7, 2022

Matthew P. Posada, Esq.
Sills, Cummis and Gross
The Legal Center
One Riverfront Plaza
Newark, NJ 07102-5400

Re: Proposed Commercial Parking Facility
New Hook Road & E 22nd Street; Block 452.02, Lot 5.01
(Former Clayton Block property)

Dear Mr. Posada:

I am writing in response to your letter dated December 23, 2021 in which you state you represent your client, The L Group, with regard to the above referenced property. Your letter once again makes reference to the New Jersey Motor Vehicles and Traffic Regulations (NJMVTR) definition of "commercial motor vehicle". In addition, your letter states that Section 3-1.1 of the City of Bayonne Police Regulations defines motor vehicle as any vehicle that is propelled other than by human or animal power on land". While these definitions are defined as such by the New Jersey Motor Vehicles and Traffic Regulations and the City of Bayonne Police Department Regulations they are not in accordance with the City of Bayonne Zoning Ordinance.

You continued to cite the following definitions from the City of Bayonne Planning and Development Regulations:

- Section 33-2.2 defines parking space as a space for the off-street parking of one operable, licensed motor vehicle within a **public or private parking area**. This subsection does not define "motor vehicle".
- Section 33-2.2 differentiates between "passenger vehicle" and commercial vehicle when defining "private garage".
- Section 33-2.2 defines garage, private as a detached accessory building or a portion of the main building used primarily for the storage of a passenger vehicle or vehicles and not more than one (1) commercial vehicle of a rated capacity not exceeding three-quarter (3/4) tons, which commercial vehicle is owned or used by the occupant of the building to which the garage is accessory.

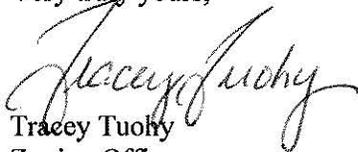
Although the Zoning Ordinance does not specifically define “motor vehicle”, parking area, private is specifically defined as any open area, including parking spaces and aisles, providing direct access thereto, used for the temporary storage of **automobiles** and other **permitted** vehicles for the private use of the owners or occupants of the lot on which the area is located. Parking area, public shall mean any open area, other than a street or other public way, including parking spaces and aisles, providing direct access thereto, used for the temporary storage of **automobiles** and other **permitted** vehicles and available to the public, with or without compensation, or as an accommodation for clients, customers and employees.

Furthermore, The Complete Illustrated Book of Development Definitions Fourth Edition written by Harvey S. Moskowitz, Carl G. Lindbloom, David Listokin, Richard Preiss and Dwight H. Merriam defines automobile as “a self-propelled, free-moving vehicle with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle. This definition is advanced by the fact that although the City of Bayonne Planning and Development Regulations differentiates between “passenger vehicle” and “commercial vehicle” when defining a “private garage”, it states that the commercial vehicle not exceed ¾ tons.

It is implied by the Zoning Ordinance that the intent of a Commercial Parking Facility and standards required to be met speak to a facility that would allow parking and paying for automobile parking, not for the parking of commercial vehicles such as trucks, automobile transporters, large construction equipment and farm combines as was witnessed on the site by the former Zoning Officer.

I continue to remain reliant upon the determination that the intent of Section 35-5.28(14)(a-k) is not that of a commercial parking facility for tractor trailers. Your client may appeal my decision or request an interpretation of the Zoning Ordinance; such appeal shall be taken within twenty (20) days of receiving this letter. If this is not applicable, 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. Upon review of a complete application and plans by the Board professionals, it may be determined that additional relief is required. Please contact Alicia Losonczy, Planning Board/Zoning Board of Adjustment Administrator, at 201-858-6182 to begin the application process.

Very truly yours,



Tracey Tuohy
Zoning Officer

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cc: Alicia Losonczy, Planning Board and Zoning Board of Adjustment Administrator